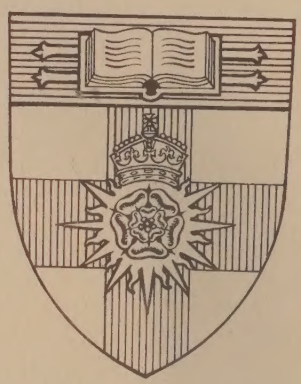

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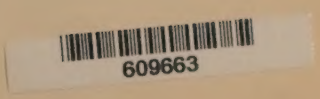
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REPORTS

FROM

COMMITTEES:

SEVEN VOLUMES.

—*(7.)*—

POLICE AND SANITARY REGULATIONS BILLS;
PUBLIC LIBRARIES (IRELAND) ACTS AMENDMENT BILL;
PUBLIC PETITIONS;
RETIRED SOLDIERS AND SAILORS EMPLOYMENT;
STATUTE LAW REVISION BILLS, &c.;
TOWN IMPROVEMENTS (BETTERMENT) [H.L.];
TRUSTS ADMINISTRATION; UNIFORMS BILL;
VOLUNTEER ACTS.

Session

12 *March* 1894——25 *August* 1894.

VOL. XV.

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SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON

POLICE AND SANITARY REGULATIONS BILLS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
10 *July* 1894.

LONDON:
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POLICE AND SANITARY REGULATIONS BILLS.

Ordered,—[*Tuesday*, 3*rd April* 1894]:—THAT the Committee of Selection do appoint a Committee, not exceeding Nine Members, to whom shall be committed all Private Bills promoted by Municipal and other Local Authorities, by which it is proposed to create powers relating to Police and Sanitary Regulations which deviate from, or are in extension of, or are repugnant to, the General Law.

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Three be the Quorum of the Committee.

Committee nominated—[*Friday*, 6*th April* 1894]—of,—

Marquess of Carmarthen.
Mr. Diamond.
Mr. Kenrick.
Mr. Walter Long.
Mr. Mallock.
Sir Thomas Roe.
Mr. Alfred Thomas (Glam. East).
Mr. Watson.
Mr. Henry J. Wilson.

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SPECIAL REPORT.

THE SELECT COMMITTEE to whom were referred all Private Bills promoted by Municipal and other Local Authorities, by which it is proposed to create Powers relating to POLICE and SANITARY REGULATIONS which deviate from, or are in extension of, or are repugnant to the General Law:—— HAVE agreed to the following SPECIAL REPORT;—

1. YOUR Committee having concluded their labours for the Session of 1894, desire to make the following Report upon the work they have done, and as to the considerations which have governed their decisions.

2. The following Bills were referred to your Committee: Cambridge Corporation, Bury Corporation, Bridlington Local Board, Dundee Corporation, Gloucester Corporation, West Riding Rivers Conservancy, Cardiff Corporation; all these Bills were considered, with the exception of the Dundee Corporation Bill, which was referred to the ordinary unopposed Committee, the promoters having struck out the clauses relating to police and sanitary matters.

3. Your Committee have never granted powers which are in excess of, or which contravene, the general law, except in cases where strong local evidence has been produced, and where, by such evidence, proof has been given that difficulties were experienced in the locality with which the existing law has been found unable to cope; or where it has appeared to them desirable, in the interests either of public health or of public convenience or security, that some powers should be granted to the locality other than those conferred upon them by the general law.

4. With reference to the terms for repayment of loans, your Committee have most carefully differentiated between work of a permanent and that of a temporary character, and they have endeavoured to put into practice the principle that the term for repayment shall be based upon the estimated life of the work in question, so that unfair burdens should not be thrown upon a future generation.

5. Your Committee have received most valuable assistance from Mr. Boyce, representing the Local Government Board. His departmental knowledge, experience of local legislation, and familiarity with the work of the Police and Sanitary Regulations Committee, make his presence essential to the due and satisfactory discharge of their duties. Your Committee learn with satisfaction that the suggestion they made last year has been partially adopted, and that Mr. Boyce has been given an appointment which will enable him to continue his services permanently. Your Committee also take this opportunity of acknowledging their obligations to Mr. Troup, who has ably represented the Home Office.

6. Your Committee desire to call the attention of those who are concerned in preparing and promoting Bills to the fact that it is desirable to adhere as closely as may be possible to the precedents which Parliament has established. Much trouble and unnecessary expense would thereby be saved.

7. Your Committee were informed during the hearing of the Cardiff Corporation Bill, that the Customs Boarding Station is so situated that it is impossible to exercise

control over ships having cases of infectious diseases on board until they have entered the harbour. Your Committee desire to call the attention of the Customs Department of the Board of Trade to this fact with a view to an alteration.

8. In dealing with the West Riding Rivers Bill, a Bill to confer similar powers to those granted by Parliament to the Mersey and Irwell Joint Cemmittee in 1892, for preventing sewage and manufacturing pollutions of rivers and streams. your Committee had to consider whether a limit of time should be fixed as in the Mersey and Irwell Act, within which the Local Government Board should be required to decide if legal proceedings should or should not be taken in respect of manufacturing pollutions. It appeared to your Committee to be very essential that proceedings in all such cases should be taken promptly, but it was strongly represented by the Local Government Board that no time limit should be imposed in view of the impossibility of dealing with cases of the kind with the existing staff of the Local Government Board without detriment to the work of the Department. It was pointed out that each case under the Bill would involve a local inquiry, and that the facts would need most careful consideration before the Board could arrive at – what would be—a quasi-judicial decision.

Evidence was given before your Committee that in the case of the Mersey and Irwell Joint Committee it might still be necessary to hold local inquiries into 300 cases of manufacturing pollution, in addition to the other inquiries rendered necessary to enable Sanitary Authorities to comply with the provisions of the Act as regards sewage pollution.

Your Committee eventually decided not to impose a limit of time, but they desire to urge that the staff of the Local Government Board should be adequate to perform promptly any duties cast upon them by these Local Bills without interference with the duties involved in carrying out the Public Acts administered by the Board.

10 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 12th April 1894.

MEMBERS PRESENT:

Mr. Long.	Mr. Wason.
Marquess of Carmarthen.	Mr. Mallock.
Mr. Kenrick.	Mr. Diamond.
Sir Thomas Roe.	

Mr. WALTER LONG was called to the Chair.

Committee deliberated.

[Adjourned till Tuesday, 24th April, at Twelve o'clock.

Tuesday, 24th April 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Mr. Mallock.
Mr. Diamond.	Sir Thomas Roe.
Mr. Kenrick.	Mr. Wason.

CAMBRIDGE CORPORATION BILL.

Counsel :—Mr. *G. A. FitzGerald.*

Agents :—Messrs. *Sharpe.*

Unopposed.

BURY CORPORATION BILL.

Counsel :—Mr. *Pope*, Q.C., Mr. *Pembroke Stephens*, Q.C., and Mr. *Joseph Shaw.*

Agents :—Messrs. *Lewin.*

Petitions against the Bill read :

1. Corporation of Haslingdon.

   Counsel :—Mr. *Reader Harris.*

   Agents :—Messrs. *Sherwood & Co.*

2. Earl of Wilton.

   No appearance.

3. Lancashire and Yorkshire Railway Company.

   Counsel reserved.

   Agents :—Messrs. *Sherwood & Co.*

CAMBRIDGE CORPORATION BILL.

Preamble read the first time.

Reports from Local Government Board and Board of Agriculture were considered.

Mr. *G. A. FitzGerald* was heard in support of the Preamble of the Bill, and called evidence.

The Rev. *A. Austen Leigh* sworn, and examined.

Mr. *Edward Henry Parker* sworn, and examined.

Preamble postponed.

Clauses 1—3, *postponed.*

Clauses 3A—11, *agreed to.*

Clauses 12—15, amended, and *agreed to.*

Clause 16.—Mr. *James Whitehead* sworn, and examined.

Clause *agreed to.*

Clause 17, *agreed to.*

Clause 18, amended, and *agreed to.*

Clauses 19—21, *agreed to.*

Clause 22.—Mr. *James Whitehead* further examined.

Clauses 23—26, *agreed to.*

Clause 27, amended, and *agreed to.*

Clause 27A, *agreed to.*

Postponed Clauses 1—3, amended, and *agreed to.*

Schedules, *agreed to.*

Preamble read a second time.

Question, That the Preamble is proved,—put, and *agreed to.*

Consideration of Report adjourned till To-morrow.

BURY CORPORATION BILL.

Preamble read the first time.

Reports from the Local Government Board and Home Office were considered.

Mr. *Boyce* and Mr. *Troup* appeared in support of their respective Reports.

Mr. *Pembroke Stephens*, Q.C., was heard in support of the Preamble of the Bill.

Mr. *John Haslam* sworn, and examined.

Mr. *Joshua Cartwright* sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 25th April 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Mr. Wason.
Mr. Kenrick.	Mr. H. J. Wilson.
Mr. Mallock.	Sir Thomas Roe.
Mr. A. Thomas.	

BURY CORPORATION BILL—*continued.*

Mr. *James Mansergh* sworn, and examined.

Mr. *Thomas Rigby* sworn, and examined.

Mr. *Robert Throup* sworn, and examined.

This closed the case for the Promoters of the Bill.

Mr. *Reader Harris* called evidence in support of the Petition of the Corporation of Haslingdon.

Mr. *John Woodcock* sworn, and examined.

Mr. *Joseph Whitaker* sworn, and examined.

Mr. *John Law* sworn, and examined.

Mr. *Hindle Law* sworn, and examined.

Dr. *Jonathan Atkinson Harrison* sworn, and examined.

Mr. *George Henry Hill* sworn, and examined.

Mr. *Reader Harris* was heard in support of the Petition.

Mr. *Pope*, Q.C., was heard in reply for the Promoters of the Bill.

Room cleared.—Committee deliberated.

Question, That so much of the Preamble as is referred to in the Petition of the Corporation of Haslingdon is proved,—put, and *agreed to.*

Parties called in, and informed thereof.

CAMBRIDGE CORPORATION BILL.

Report read, and *agreed to.*

Ordered, To Report.

[Adjourned till To-morrow, at Two o'clock.

Thursday, 26th April 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Mallock.	Mr. A. Thomas.
Mr. Kenrick.	Mr. Wason.
Sir Thomas Roe.	Mr. H. J. Wilson.

BURY CORPORATION BILL.

Preamble *postponed.*

Clauses 1—3, *postponed.*

Clause 4, amended, and *agreed to.*

Clause 5, *withdrawn.*

Clause 6, *agreed to.*

Clause 7, amended, and *agreed to.*

Clauses 8—9, *withdrawn.*

Clause 10, *agreed to.*

Clause 11.—Mr. *John Haslam* further examined.

Clause amended, and *agreed to.*

Clause 12, amended, and *agreed to.*

Clause 13, *withdrawn.*

Clause 14, *agreed to.*

Clauses 15—18, amended, and *agreed to.*

Clauses 18A—18B, *agreed to.*

Clauses 19—21, *disagreed to.*

Clause 22.—Mr. *John Haslam* further examined.

Mr. *James Byrom* sworn, and examined.

Clause amended, and *agreed to.*

Clause 23, *disagreed to.*

Clause 24, *agreed to.*

Clause 25.—Mr. *James Byrom* further examined.

Clause amended, and *agreed to.*

Clause 26, *agreed to.*

Clause 27, amended, and *agreed to.*

Clause 28, *agreed to.*

Clause 29, *disagreed to.*

Clauses 30—32, *agreed to.*

Clause 33, *disagreed to.*

Clause 33A.—Mr. *John Haslam* further examined.

Clause amended, and *agreed to.*

Postponed Clauses 1—2, *agreed to.*

Postponed Clause 3, amended, and *agreed to.*

Preamble read a second time.—Question, That the Preamble as amended is proved,—put, and *agreed to.*

New Title read, and *agreed to.*

Consideration of Report adjourned till Tuesday next.

[Adjourned till Tuesday next, at Half-past Twelve o'clock

Tuesday, 1*st May* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Sir Thomas Roe.	Mr. H. J. Wilson.
Mr. Wason.	Mr. Kenrick.

BRIDLINGTON LOCAL BOARD BILL.

Counsel :—Mr. *G. FitzGerald.*

Agents :—Messrs. *Darnford.*

Preamble read the first time.

Reports from the Home Office and Local Government Board were considered.

Mr. *Boyce* and Mr. *Troup* appeared in support of their respective Reports.

Mr. *G. FitzGerald* was heard in support of the Preamble of the Bill.

Mr. *Charles Gray* sworn, and examined.

Preamble *postponed.*

Clauses 1—5, *postponed.*

Clause 6, amended, and *agreed to.*

Clause 7, *agreed to.*

Clause 8.—Mr. *Charles Gray* further examined.

Clause amended, and *agreed to.*

Clause 9, *agreed to.*

Clause 10, amended, and *agreed to.*

Clause 11, *agreed to.*

Clause 12, amended, and *agreed to.*

Clause 13, *agreed to.*

Clause 14, amended, and *agreed to.*

Clause 15, *postponed.*

Clause 16, amended, and *agreed to.*

Clause 17.—Mr. *Charles Gray* further examined.

Clause *postponed.*

Clause 18.—Mr. *Henry John Jackson* sworn, and examined.

Clause amended, and *agreed to.*

Clause 19, amended, and *agreed to.*

Clause 20, *postponed.*

Clause 21, *agreed to.*

Clauses 22—23, amended, and *agreed to.*

Clause 24.—Mr. *Henry John Jackson* further examined.

Clause *disagreed to.*

Clause 25.—Mr. *Charles Gray* further examined.

Clause *disagreed to.*

Clauses 26—27, *agreed to.*

Clauses 28—29, *postponed.*

Clause 30, *agreed to.*

Clause 31.—Mr. *Henry John Jackson* further examined.

Clause *disagreed to.*

Clauses 32—35, *agreed to.*

Clause 36.—Mr. *Henry John Jackson* further examined.

Clause *disagreed to.*

Clause 37, *agreed to.*

Clause 38, *disagreed to.*

Clauses 39—41, *disagreed to.*

Clause 42, *agreed to.*

Clauses 43—44, *disagreed to.*

Clause 45, amended, and *agreed to.*

Clauses 46—48, *agreed to.*

Clause 49, *disagreed to.*

Clauses 50—53, *agreed to.*

Clauses 54—56, *disagreed to.*

Clauses 57—62, *agreed to.*

Clause 63, *postponed.*

Clause 64, amended, and *agreed to.*

Clause 65, *agreed to.*

Clauses 66—67.—Mr. *Henry John Jackson* further examined.

Clauses *disagreed to.*

Clauses 68—72, *agreed to.*

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 2nd May 1894.

MEMBERS PRESENT:

Marquess of Carmarthen.	Mr. Wason.
Mr. Kenrick.	Mr. H. J. Wilson.
Sir Thomas Roe.	

In the absence of Mr. LONG, Mr. WILSON was called to the Chair.

BRIDLINGTON LOCAL BOARD BILL—*continued.*

Clause 73, amended, and *agreed to.*

Clause 74, *agreed to.*

Clause 75, *disagreed to.*

Clause 76, *agreed to.*

Clauses 77—78, amended, and agreed to.

Clause 79, *agreed to.*

Clauses 80—81, amended, and *agreed to.*

Clauses 81A—81B, *agreed to.*

Clauses 82—86, *agreed to.*

Clause 87, amended, and *agreed to.*

Clause

Clause 88, *agreed to.*

Postponed Clauses 1—2, *agreed to.*

Postponed Clauses 3—4, amended, and *agreed to.*

Postponed Clause 5, *agreed to.*

Postponed Clauses 15, 17, 20, 28, and 29, amended, and *agreed to.*

Postponed Clause 63, amended, and *agreed to.*

New Clauses *added.*

Schedule 1, amended, and *agreed to.*

Schedule 2, *agreed to.*

Mr. *Charles Gray* further examined.

Preamble read a second time.

Question, That the Preamble, as amended, is proved,—put, and *agreed to.*

Consideration of Report adjourned till To-morrow.

GLOUCESTER CORPORATION BILL.

Counsel :—Mr. *C. Cripps*, Q.C., and Mr. *G. A. FitzGerald.*

Agents :—Messrs. *Sharpe & Co.*

Petitions against Bill read.

1. Severn Commissioners.

   Counsel :—Mr. *Pembroke Stephens*, Q.C., and Mr. *J. D. FitzGerald.*

   Agents :—Messrs. *Martin and Leslie.*

2. Freemen of City of Gloucester.

   Counsel :—Reserved.

   Agents :—Messrs. *Wilkins and Blyth.*

Preamble read the first time.

Reports from the Local Government Board, Home Office, and Board of Agriculture were considered.

Mr. *Boyce* and Mr. *Troup* appeared in support of the Reports from the Local Government Board and Home Office respectively.

Mr. *Cripps*, Q.C., was heard in support of the Preamble of the Bill.

Mr. *John Albert Mathews* sworn, and examined.

Mr. *William Fox* sworn, and examined.

Professor *Lapworth* sworn, and examined.

Mr. *Richard Read* sworn, and examined.

This closed the case for the Promoters of the Bill.

[Adjourned till To-morrow, at Two o'clock.

Thursday, 3rd May 1894.

MEMBERS PRESENT:

Mr. Mallock.	Mr. H. J. Wilson.
Sir Thomas Roe.	Mr. Kenrick.
Mr. Wason.	

In the absence of Mr. LONG, Mr. KENRICK was called to the Chair.

GLOUCESTER CORPORATION BILL—*continued.*

Mr. *J. D. FitzGerald* called evidence on behalf of the Petition of the Severn Commissioners.

Mr. *Edward Dimmock Marten* sworn, and examined.

Mr. *Edward Leader Williams* sworn, and examined.

Captain *Ralph Pomeroy* sworn, and examined.

Mr. *Thomas Roe Thompson* sworn, and examined.

Room cleared.—The Committee deliberated.

Question, That so much of the Preamble as relates to the new Waterworks Scheme is proved,—put, and *agreed to.*

Parties called in, and informed thereof.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 8th May 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Mr. Alfred Thomas.
Mr. Kenrick.	Mr. Wason.
Mr. Diamond.	Mr. H. J. Wilson.

GLOUCESTER CORPORATION BILL—*continued.*

Preamble *postponed.*

Clauses 1—2, *postponed.*

Clause 3, amended, and *agreed to.*

Clause 4.—Mr. *George Sheffield Blakeway* sworn, and examined.

Clause *postponed.*

Clause 5, amended, and *agreed to.*

Clauses 6—14, amended, and *agreed to.*

Clauses 15—16, *agreed to.*

Clause 17, amended, and *agreed to.*

Clause 18.—Mr. *William Fox* further examined.

Clause amended, and *agreed to.*

Clauses 19—21, amended, and *agreed to.*

Clause

Clause 22.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Clauses 23—25, amended, and *agreed to.*

Clauses 26—30, *agreed to.*

Clause 31, amended, and *agreed to.*

Clause 32, *agreed to.*

Clause 33.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Clauses 34—35, *agreed to.*

Clause 36.—Mr. *George Blakeway* further examined.

Clause *agreed to.*

Clauses 37—38, *agreed to.*

Clause 39.—Mr. *Richard Read* further examined.

Clause *disagreed to.*

Clause 40.—Mr. *George Blakeway* further examined.

Clause *agreed to.*

Clause 41, *disagreed to.*

Clauses 42—43, *agreed to.*

Clause 44, amended, and *agreed to.*

Clauses 45—46, *agreed to.*

Clause 47.—Mr. *George Blakeway* further examined.

Mr. *Richard Read* further examined.

Room cleared.—The Committee deliberated.

Question put, That Clause 47 stand part of the Bill.—The Committee divided:

Ayes, 3.	Noes, 3.
Mr. Alfred Thomas.	Marquess of Carmarthen.
Mr. Diamond.	Mr. Kenrick.
Mr. Wason.	Mr. H. J. Wilson.

Whereupon the *Chairman* declared himself with the *Noes.*

Parties called, and informed thereof.

Clause 48, *disagreed to.*

Clause 49.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Clauses 50—82, *postponed.*

Clause 83, amended, and *agreed to.*

BURY CORPORATION BILL.

Report read, and *agreed to.*

Ordered, To Report.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 9th May 1894.

MEMBERS PRESENT:

Mr. Kenrick.	Mr. H. J. Wilson.
Mr. Mallock.	Mr. Diamond.
Mr. Wason.	Sir Thomas Roe.

In the absence of Mr. WALTER LONG, Mr. KENRICK was called to the Chair.

GLOUCESTER CORPORATION BILL—*continued.*

Postponed Clause 50, *agreed to.*

Postponed Clause 51.—Mr. *John Campbell* sworn, and examined.

Clause amended, and *agreed to.*

Postponed Clauses 52—53, *agreed to.*

Postponed Clause 54, amended, and *agreed to.*

Postponed Clauses 55—59, *agreed to.*

Postponed Clause 60, *disagreed to.*

Postponed Clauses 61—62.—Mr. *John Campbell* further examined.

Clauses amended, and *agreed to.*

Postponed Clause 63.—Mr. *John Campbell* further examined.

Mr. *George Blakeway* further examined.

Clause *disagreed to.*

Postponed Clause 64, amended, and *agreed to.*

Postponed Clause 65, amended, and *agreed to.*

Postponed Clause 66.—Mr. *George Blakeway* further examined.

Clause *disagreed to.*

Postponed Clause 67, amended, and *agreed to.*

Postponed Clause 68.—Mr. *George Blakeway* further examined.

Room cleared.—The Committee deliberated.

Question put, That Clause 68 stand part of the Bill.—The Committee divided:

Ayes, 1.	Noes, 2.
Mr. Wilson.	Mr. Mallock.
	Mr. Mason.

Parties called in, and informed thereof.

Postponed Clauses 69—72, *agreed to.*

Postponed Clause 73.—Mr. *George Blakeway* further examined.

Mr. *Richard Read* further examined.

Clause amended, and *agreed to.*

Postponed Clause 74.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Postponed Clauses 75—76, *agreed to.*

Postponed Clause 77, *agreed to.*

Postponed Clause 78.—Mr. *George Blakeway* further examined.

Clause *agreed to.*

Postponed

Postponed Clauses 79—82, *agreed to.*

Clause 84, amended, and *agreed to.*

Clauses 85—91, amended, and *agreed to.*

Clauses 92—93, *agreed to.*

Clauses 94—99, *agreed to.*

Clause 100.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Clause 101.—Mr. *George Blakeway* further examined.

Clause amended, and *agreed to.*

Clause 102.—Mr. *George Blakeway* further examined.

Clause *agreed to.*

Clauses 103—114, *agreed to.*

Schedule 1, read, and *agreed to.*

Postponed Clauses 1—2, *agreed to.*

Postponed Clause 4, amended, and *agreed to.*

Postponed Clauses 49A, 64, and 67, amended, and *agreed to.*

New Clause added.

Preamble read a second time.—Question, That the Preamble is proved,—put, and *agreed to.*

Report read, and *agreed to.*

Ordered, To Report.

[Adjourned till Tuesday, 29th May, at Twelve o'clock.

Tuesday, 29th May 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Kenrick.
Sir Thomas Roe.
Mr. Wason.

WEST RIDING RIVERS CONSERVANCY BILL.

Counsel:—Mr. *Pope*, Q.C., Mr. *J. D. FitzGerald*, and Mr. *Freeman.*

Agents:—Messrs. *Dyson & Co.*

Petitions against Bill, read.

Heckmondwike Local Board.

Counsel:—Reserved.

Agents:—Messrs. *Baker & Co.*

London and North Western Railway Company.

Counsel:—Mr. *Littler*, Q.C., and Mr. *Forbes Lancaster.*

Agents:—Messrs. *Mason & Co.*

Corporations of Halifax and Huddersfield.

Counsel:—Mr. *Worsley Taylor*, Q.C., and Mr. *R. W. Harper.*

Agents:—Messrs. *Lewin & Co.*

John Crossley & Sons.
Counsel :—Mr. *Littler*, Q.C., and Mr. *William Carr*.
Agents :—Messrs. *Lewin & Co.*

Corporation of Dewsbury.
Counsel :—Reserved.
Agents :—Messrs. *Sharpe & Co.*

Corporation of Batley.
Counsel :—Reserved.
Agents :—Messrs. *Sharpe & Co.*

Corporation of Morley.
Counsel :—Reserved.
Agents :—Messrs. *Sharpe & Co.*

Corporation of Wakefield.
Counsel :—Reserved.
Agents :—Messrs. *Sharpe & Co.*

Corporation of Leeds.
Counsel :—Mr. *Pembroke Stephen*, Q.C., and Mr. *J. FitzGerald*.
Agents :—Messrs. *Sharpe & Co.*

Association of Leather Trade of Leeds, &c.
Counsel :—Mr. *Cripps*, Q.C., and Sir *George Morrison*.
Agents :—Messrs. *Torr & Co.*

Corporation of Bradford.
Counsel :—Mr. *Balfour Browne*, Q.C., and Mr. *Edward Shortt*.
Agents :—Messrs. *Clabon & Co.*

Mr. *Pope*, Q.C., was heard in support of the Preamble of the Bill.

A Report from the Local Government Board was considered.

Mr. *Boyce* appeared in support of the Report.

Preamble read the first time.

Mr. *Milnes Gaskell* sworn, and examined.

Mr. *Trevor Casswell Edwards* sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 30*th May* 1894.

MEMBERS PRESENT:

Mr. Kenrick.	Mr. Diamond.
Mr. Mallock.	Sir Thomas Roe.
Marquess of Carmarthen.	Mr. Wason.

In the absence of Mr. LONG, Mr. KENRICK was called to the Chair.

WEST RIDING RIVERS CONSERVANCY BILL—*continued*.

Mr. *Trevor Casswell Edwards* further examined.

Dr. *Benjamin Arthur Whitelegge*, M.D., sworn, and examined.

Mr. *John C. Horsfall* sworn, and examined.

Mr. *E. P. Arnold Forster* sworn, and examined.

Mr. *William Hammond Bartholomew* sworn, and examined.

The Rev. *J. N. Worsfold* sworn, and examined.

Mr. *Mitchell Wilson*, M.D., sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Thursday, 31*st May* 1894.

MEMBERS PRESENT:

Mr. Diamond.	Mr. Wason.
Mr. Kenrick.	Sir Thomas Roe.
Mr. Mallock.	

In the absence of Mr. LONG, Mr. KENRICK was called to the Chair.

WEST RIDING RIVERS CONSERVANCY BILL.

Mr. *Mitchell Wilson*, M.D., further examined.

Sir *Henry Roscoe*, a Member of the House, sworn, and examined.

Mr. *Reginald Arthur Tation* sworn, and examined.

Mr. *William Naylor* sworn, and examined.

Mr. *Arthur Anderton* sworn, and examined.

Mr. *James Mansergh* sworn, and examined.

This closed the case for the Promoters of the Bill.

Mr. *Cripps*, Q.C., was heard in support of the Petition of the Leather Trades of Leeds, &c.

Mr. *William Bechworth* sworn, and examined.

[Adjourned till To-morrow, at Twelve o'clock.

Friday, 1*st June* 1894.

MEMBERS PRESENT:

Mr. Diamond.	Sir Thomas Roe.
Mr. Kenrick.	Mr. Alfred Thomas.
Mr. Mallock.	Mr. Wason.

In the absence of Mr. LONG, Mr. KENRICK was called to the Chair.

WEST RIDING RIVERS CONSERVANCY BILL—*continued.*

Mr. *William Carr* called evidence in support of the Petition of John Crossley and Sons.

Mr. *John Crossley* sworn, and examined.

Mr. *Henry Norman Meller* sworn, and examined.

Mr. *Charles Tott* sworn, and examined.

This closed the case for the Petitioners.

Mr. *Littler*, Q.C., was heard in support of the Petition of the London and North Western Railway Company.

Mr. *Francis Stephenson* sworn, and examined.

This closed the case for the Petitioners.

Mr. *Pope*, Q.C., was heard in reply for the Promoters of the Bill.

Room cleared.—The Committee deliberated.

Preamble read a second time.

Question, That the Preamble is proved,—put, and *agreed to.*

Clauses 1—2, *agreed to.*

Clauses 3—5, amended, and *agreed to.*

Clause 6, *withdrawn.*

Clauses 7—10, amended, and *agreed to.*

Clause 11.—Mr. *Trevor Edwards* further examined.

Amendment proposed in Section 5, to insert the words "and that no material injury will be inflicted by such proceedings on the interests of such industry."

Question put, That those words be there inserted.—The Committee divided:

Ayes, 2.	Noes, 3.
Mr. Wason.	Mr. Alfred Thomas.
Mr. Mallock.	Mr. Diamond.
	Sir Thomas Roe.

Parties called in, and informed thereof.

Clause amended, and *agreed to.*

Clauses 12—16, amended, and *agreed to.*

Clauses 17, 18, 18A, 19, 19A, 19B, and 19C, *agreed to.*

Clause 20, *disagreed to.*

Clauses 21—22, *agreed to.*

Report read, and *agreed to.*

Ordered, To Report.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 5th June 1895.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Sir Thomas Roe.
Mr. Kenrick.	Mr. H. J. Wilson.
Mr. Mallock.	

CARDIFF CORPORATION BILL.

Counsel: Mr. *Littler,* Q.C., Mr. *Pembroke Stephens,* Q.C., Mr. *Balfour Browne,* Q.C., Mr. *Gerald FitzGerald,* and Mr. *T. J. Jackson.*

Agents:—Messrs. *Andrew and White.*

Petitions against Bill read:

1. Nixon's Navigation Company.
   Counsel:—Mr. *Cripps,* Q.C., and Mr. *Freeman.*
   Agents:—Messrs. *Bell & Co.*
2. Taff Vale Railway Company.
   Counsel:—Reserved.
   Agents:—Messrs. *Sherwood & Co.*
3. Halswell Kemeys Tynte, Esq.
   Counsel:—Reserved.
   Agents:—Messrs. *Sherwood & Co.*
4. Great Western Railway Company.
   Counsel:—Mr. *Pember,* Q.C., and Mr. *A. Lyttelton.*
   Agents:—Messrs. *Mains & Co.*

5. Lord

5. Lord Windsor.

Counsel :—Mr. *Pember*, Q.C., and Mr. *Freeman*.

Agent :—Mr. *Ball*.

6. Penarth Local Board.

Counsel :—Mr. *Denman Benson*.

Agents :—Messrs. *Torr & Co.*

7. John Bland and Company, Limited.

Counsel :—Reserved.

Agents :—Messrs. *Sherwood & Co.*

8. Cardiff Gas Light and Coke Company.

Counsel :—Mr. *Balfour Browne*, Q.C., and Mr. *W. D. Benson*.

Agents :—Messrs. *Wyatt & Co.*

9. Commoners.

Counsel :—Mr. *John Lloyd*.

Agents :—Messrs. *Dyson & Co.*

10. Jonas Watson, and others.

Counsel :—Reserved.

Agents :—Messrs. *Wyatt & Co.*

11. Marquis of Bute, and Earl of Dumfries.

Counsel :—Reserved.

Agents :—Messrs. *Grahames & Co.*

12. Owners of Commoners Allotment of Great Forest of Brecknock.

Counsel :—Mr. *John Lloyd*.

Agents :—Messrs. *Sharpe & Co.*

13. Bute Docks Company.

Counsel :—Reserved.

Agents :—Messrs. *Grahames & Co.*

14. Proprietors of Glamorganshire Canal Navigation.

Counsel :—Reserved.

Agents :—Messrs. *Grahames & Co.*

Preamble read the first time.

Reports from the Local Government Board, Home Office, Board of Agriculture, War Office, and Treasury, were considered.

Mr. *Boyce* and Mr. *Troup* appeared in support of the Reports from the Local Government Board and Home Office respectively.

Mr. *Littler*, Q.C., was heard in support of so much of the Preamble as referred to Part II. of the Bill.

Mr. *William John Trounce* sworn, and examined.

Mr. *David Jones* sworn, and examined.

Mr. *John Avery Branton Williams* sworn, and examined.

Room cleared.—The Committee deliberated.

Question, That Counsel for the Petitions of Nixon's Navigation Company and Lord Windsor on Part II. of the Bill, as regards Compensation Water, should no longer be heard,—put, and *agreed to*.

Parties called in, and informed thereof.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 6th June 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Sir Thomas Roe.
Mr. Diamond.	Mr. Wason.
Mr. Kenrick.	Mr. H. J. Wilson.
Mr. Mallock.	

CARDIFF CORPORATION BILL—*continued.*

Mr. *John Avery Branton Williams* further examined.

Mr. *George Henry Hill* sworn, and examined.

Mr. *James Mansergh* sworn, and examined.

Mr. *Charles Hawksley* sworn, and examined.

This closed the case for the Promoters on Part II. of the Bill.

[Adjourned till To-morrow, at Twelve o'clock.

Thursday, 7th June 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Kenrick.	Mr. Wason.
Mr. Mallock.	Mr. H. J. Wilson.
Sir Thomas Roe.	

CARDIFF CORPORATION BILL – *continued.*

Mr. *John Lloyd* called evidence in support of the Petition of the Commoners against Part II of the Bill.

Mr. *David Evans* sworn, and examined.

Mr. *William Jenkins* sworn, and examined.

Mr. *Pembroke Stephens*, Q.C., was heard in reply, and handed in a proposed proviso to Section 12 of the Waterworks Clauses Act, to be incorporated in the Bill.

Room cleared.—The Committee deliberated.

Question, That the Proviso be therein inserted,—put, and *agreed to.*

Parties called in, and informed thereof.

Mr. *Lloyd* made application for costs on behalf of the Commoners.

Mr. *Littler*, Q.C., replied for the Promoters.

Costs refused.

On Part III.

Mr. *Pembroke Stephens* was heard in support of so much of the Preamble as related to Part III.

Mr. *William Harpur* sworn, and examined.

Mr. *Grubbe* was heard in support of the Petition of Colonel Tynte against this part of the Bill, and proposed certain amendments thereto.

Mr. *Jackson* was heard in reply.

Question, That the amendments proposed by Mr. *Grubbe* be inserted,—put, and *negatived.*

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 12*th June* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Kenrick.	Mr. Alfred Thomas.
Sir Thomas Roe.	Mr. H. J. Wilson.

CARDIFF CORPORATION BILL—*continued.*

On Part IV. of the Bill.

Mr. *Littler*, Q.C., was heard in support of so much of the Preamble of the Bill as relates to Part IV.

Room cleared.—The Committee deliberated.

Parties called in, and informed that the Committee have decided to proceed with this part of the Bill, and to hear evidence on behalf of the Petition of Lord Windsor in regard to an alternative scheme.

Mr. *William Harpur* further examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Wednesday, 13*th June* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Kenrick.	Mr. Alfred Thomas.
Mr. Mallock.	Mr. Wason.

CARDIFF CORPORATION BILL (PART IV.)—*continued.*

Mr. *George Chatterton* sworn, and examined.

Mr. *George Frederick Deacon* sworn, and examined.

This closed the case for the Promoters on Part IV.

Mr. *Denman Benson* was heard in support of the Petition of the Penarth Local Board against this part of the Bill.

Mr. *Thomas Bevan* sworn, and examined.

Mr. *Henry Snell* sworn, and examined.

[Adjourned till To-morrow, at Half-past Twelve o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Mr. Kenrick.
Mr. Alfred Thomas.
Mr. Mallock.

CARDIFF CORPORATION BILL—*continued.*

Mr. *Edgar Evans* sworn, and examined.

Mr. *Jonathan Lewis* sworn, and examined.

Mr. *William Santo Crimp* sworn, and examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 19*th June* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.
Mr. Mallock.
Sir Thomas Roe.
Mr. H. J. Wilson.
Mr. Wason.

CARDIFF CORPORATION BILL—*continued.*

Mr. *William Santo Crimp* further examined.

Room cleared.—The Committee deliberated.

Question, That so much of the Preamble as refers to Part IV. is proved,—put, and *negatived.*

Parties called in, and informed thereof.

Preamble *postponed.*

Clauses 1—6, *postponed.*

On Part II., Mr. *Lloyd* proposed certain new Clauses on behalf of the Commoners.

Clauses *disagreed to.*

Clauses 7, 8, 9, amended, and *agreed to.*

Clauses 9A, 9B, and 10, *agreed to.*

Clauses 11, 12, 12A, 12B, and 12C, amended, and *agreed to.*

Clause 13, *disagreed to.*

Clause 13A, *agreed to.*

Clauses 14A, 14B, 14C, 15A, and 15B, amended, and *agreed to.*

Clauses 16—18, *disagreed to.*

Clause 19, amended, and *agreed to.*

Clause 20, *agreed to.*

Clause 21, amended, and *agreed to.*

Clauses 22—24, *disagreed to.*

Clause 25.—Mr. *Joseph L. Wheatley* sworn, and examined.

Clause amended, and *agreed to.*

Clauses 26—28, amended, and *agreed to.*

Clause 29.—Mr. *Joseph L. Wheatley* further examined.

Clause amended, and *agreed to.*

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 21*st June* 1894.

MEMBERS PRESENT :

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Sir Thomas Roe.
Mr. Mallock.	Mr. Wason.

CARDIFF CORPORATION BILL—*continued.*

Clause 30, amended, and *agreed to.*

Clause 31.—Mr. *Joseph L. Wheatley* further examined.

Clause amended, and *agreed to.*

Clauses 32—34, *disagreed to.*

Clause 35.—Mr. *Joseph L. Wheatley* further examined.

Clause amended, and *agreed to.*

Clause 36, amended, and *agreed to.*

Clause 37.—Mr. *William Harper* further examined.

Clause *postponed.*

Clause 38, *postponed.*

Clause 39, amended, and *agreed to.*

Clauses 40—40A, amended, and *agreed to.*

Clauses 41—42, *agreed to.*

Clause 43.—Mr. *William Harper* further examined.

Clause *postponed.*

Clause 44, amended, and *agreed to.*

Clause 45, *agreed to.*

Clause 46, *disagreed to.*

Clauses 47—48, amended, and *agreed to.*

Clause 49, *disagreed to.*

Clause 50, amended, and *agreed to.*

Clauses 51—55, *disagreed to.*

Clause 56, amended, and *agreed to.*

Clauses 57—61, *disagreed to.*

Clause 62, *agreed to.*

Clause 63, *disagreed to.*

Clause 64, amended, and *agreed to.*

Clause 65, *disagreed to.*

Clause 66.—Mr. *William Harper* further examined.

Clause *postponed.*

Clause 67, amended, and *agreed to.*

Clauses 68—69.—Mr. *William Harper* further examined.

Clauses *postponed.*

Clauses 70—72, *disagreed to.*

Clause 73.—Mr. *William Harper* further examined.

Clause *postponed.*

Clause 74, amended, and *agreed to.*

Clauses 75—78, *disagreed to.*

Clause 79, *agreed to.*

Clauses 80—81, *disagreed to.*

Clauses 82—83, *disagreed to.*

Clause 84, amended, and *agreed to.*

Clauses 85—86, *postponed.*

Clause 87, *disagreed to.*

Clause 88, amended, and *agreed to.*

Clause 89, *disagreed to.*

Clauses 90—92, *agreed to.*

Clause 93, *disagreed to.*

Clause 94, *agreed to.*

Clause 95, *disagreed to.*

Clause 96, amended, and *agreed to.*

Clauses 97—99, amended, and *agreed to.*

Clause 100, *disagreed to.*

Clause 101, *agreed to.*

Clause 102, *disagreed to.*

Clause 103.—Dr. *Walford* sworn, and examined.

Clause amended, and *agreed to.*

Clause 104.—Dr. *Walford* further examined.

Clause *postponed.*

Clause 105, *disagreed to.*

Clause 106, *agreed to.*

Clause 107, *disagreed to.*

Clause 108, *agreed to.*

Clause 109, *disagreed to.*

New Clause 109.—Dr. *Walford* further examined.

Clause amended, and *agreed to.*

Clause 110, *disagreed to.*

Clause 111, *postponed.*

Clauses 112—114, amended, and *agreed to.*

Clauses 115—116, *agreed to.*

Clause 117, *disagreed to.*

Clauses 118—120, *agreed to.*

Clause 121, amended, and *agreed to.*

Clauses 122—123, *agreed to.*

Clause 124, *disagreed to.*

Clauses 125, 126, and 126A, amended, and *agreed to.*

Clauses 127A, 127B.—Mr. *John Avery Braxton Williams,* further examined.

Clauses amended, and *agreed to.*

Clauses 127C, 127D, and 127E, *postponed.*

Clauses 127F, 127G, and 127H, *agreed to.*

Clause 127I, *postponed.*

Clauses 131—132, *postponed.*

Clauses 133—134, *disagreed to.*

Clause 135, *agreed to.*

Clause 136, amended, and *agreed to.*

Clause 137, *disagreed to.*

Clause 138, *agreed to.*

Clause 139, *disagreed to.*

Clauses 140—142, amended, and *agreed to.*

Clause 143, *agreed to.*

Clause 144, *disagreed to.*

Clause 145, *agreed to.*

Clause 146, *disagreed to.*

Clauses 147, 148, 148A, 149, 150, amended, and *agreed to.*

Postponed Clause 1, *agreed to.*

Postponed Clauses 2—4, amended, and *agreed to.*

Postponed Clause 5, *disagreed to.*

Postponed Clause 6, *agreed to.*

Schedules amended, and *agreed to.*

Room cleared—Committee deliberated.

Postponed Clause 37, amendment proposed in line 6, to leave out from the words "for allotments" to the word "thereabouts."

Question, That words proposed to be left out stand part of the Clause.

Committee divided.

Ayes, 2.	Noes. 2.
Mr. Wason.	Marquess of Carmarthen.
Sir Thomas Roe.	Mr. Mallock.

Whereupon the *Chairman* declared himself with the Noes.

Postponed Clause 38, *disagreed to.*

Postponed Clause 43, *agreed to.*

Postponed Clauses 66—68, *disagreed to.*

Postponed Clause 69, *agreed to.*

Postponed Clause 73, *disagreed to.*

Postponed Clauses 85—86, *agreed to.*

Postponed Clause 111, *disagreed to.*

Postponed Clause 127C, amended, and *agreed to.*

Postponed Clauses 131—132, *disagreed to.*

Parties called in, and *informed* thereof.

Postponed Clause 104, *agreed to.*

Preamble read a second time and amended.—Question, That the Preamble, as amended, is proved,—put, and *agreed to.*

Report read, and *agreed to.*

Ordered, To Report.

[Adjourned till Tuesday, 10th July.

Tuesday, 10*th July* 1894.

MEMBERS PRESENT:

Mr. WALTER LONG in the Chair.

Marquess of Carmarthen.	Mr. Wason.
Mr. Kenrick.	Mr. H. J. Wilson.
Sir Thomas Roe.	

DRAFT SPECIAL REPORT proposed by the *Chairman*, brought up, and read the first time, as follows:—

"1. Your Committee having concluded their labours for the Session of 1894, desire to make the following Report upon the work they have done, and as to the considerations which have governed their decisions.

"2. The following Bills were referred to your Committee: Cambridge Corporation, Bury Corporation, Bridlington Local Board, Dundee Corporation, Gloucester Corporation, West Riding Rivers Conservancy, Cardiff Corporation; all these Bills were considered, with the exception of the Dundee Corporation Bill, which was referred to the ordinary unopposed Committee, the promoters having struck out the clauses relating to police and sanitary matters.

"3. Your Committee have never granted powers which are in excess of, or which contravene the general law, except in cases where strong local evidence has been produced, and where, by such evidence, proof has been given that difficulties were experienced in the locality with which the existing law has been found unable to cope; or where it appeared to them desirable, in the interests either of public health or of public convenience or security, that some powers should be granted to the locality other than those conferred upon them by the general law.

"4. With reference to the terms for repayment of loans, your Committee have most carefully differentiated between work of a permanent and that of a temporary character, and they have endeavoured to put into practice the principle that the term for repayment shall be based upon the estimated life of the work in question, so that unfair burdens should not be thrown upon a future generation.

"5. Your Committee have received most valuable assistance from Mr. Boyce, representing the Local Government Board. His departmental knowledge, experience of local legislation, and familiarity with the work of the Police and Sanitary Regulations Committee, make his presence essential to the due and satisfactory discharge of their duties. Your Committee learn with satisfaction that the suggestion they made last year has been partially adopted, and that Mr. Boyce has been given an appointment which will enable him to continue his services permanently. Your Committee also take this opportunity of acknowledging their obligations to Mr. Troup, who has ably represented the Home Office.

"6. Your Committee desire to call the attention of those who are concerned in preparing and promoting Bills to the fact that it is desirable to adhere as closely as may be possible to the precedents which Parliament has established. Much trouble and unnecessary expense would thereby be saved.

"7. Your Committee were informed during the hearing of the Cardiff Corporation Bill, that the Customs Boarding Station is so situated that it is impossible to exercise control over ships having cases of infectious diseases on board until they have entered the harbour. Your Committee desire to call the attention of the Customs Department of the Board of Trade to this fact with a view to an alteration.

"8. In dealing with the West Riding Rivers Bill, a Bill to confer similar powers to those granted by Parliament to the Mersey and Irwell Joint Committee in 1892, for preventing sewage and manufacturing pollutions of rivers and streams, your Committee had to consider whether a limit of time should be fixed as in the Mersey and Irwell Act, within which the Local Government Board should be required to decide if legal proceedings should or should not be taken in respect of manufacturing pollutions. It appeared to your Committee to be very essential that proceedings in all such cases should be taken promptly, but it was strongly represented by the Local Government Board that no time limit should be imposed in view of the impossibility of dealing with cases of the kind with the existing staff of the Local Government Board without detriment to the work of the Department. It was pointed out that each case under the Bill would involve a local inquiry, and that the facts would need most careful consideration before the Board could arrive at—what would be—a quasi-judicial decision.

"Evidence

"Evidence was given before your Committee that in the case of the Mersey and Irwell Joint Committee it might still be necessary to hold local inquiries into 300 cases of manufacturing pollution, in addition to the other inquiries rendered necessary to enable Sanitary Authorities to comply with the provisions of the Act as regards sewage pollution.

"Your Committee eventually decided not to impose a limit of time, but they desire to urge that the staff of the Local Government Board should be adequate to perform promptly any duties cast upon them by these Local Bills without interference with the duties involved in carrying out the Public Acts administered by the Board."

Draft Special Report read a second time, amended, and *agreed to*.

Question, That this Report, as amended, be the Special Report of the Committee to the House, —put, and *agreed to*.

Ordered, To Report, together with the Minutes of Proceedings.

SPECIAL REPORT

FROM THE

SELECT COMMITTEE

ON

POLICE AND SANITARY REGULATIONS BILLS;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed*,
10 *July* 1894.

[*Price* 3*d.*]

213. *Under* 3 *oz.*

CHAMBER OF LONDON.

ANNUAL ACCOUNTS

OF THE

CHAMBERLAIN OF THE CITY OF LONDON,

RELATING TO

Coal Market Fund; Clerkenwell Improvement Commissioners; Blackfriars Bridge; London Tower Bridge; City of London Grain Duty; Sewers; City Police Fund; Ward Rates; and City Police Superannuation Fund.

(PRESENTED PURSUANT TO ACT OF PARLIAMENT.)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1894.

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SCHEDULE.

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Coal Market Fund, for the year ending 31 December 1893 - - - - - p. 3

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Clerkenwell Improvement Fund, for the year ending 31 December 1893 - - p. 4

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Fund for Rebuilding Blackfriars Bridge, for the year ending 31 December 1893 - p. 4

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Construction of the Tower Bridge, for the year ending 31 December 1893 - - p. 5

An Account of Monies Received and Paid by the Chamberlain of London in respect of the City of London Grain Duty, for the year ending 31 December 1893 - - - p. 6

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Consolidated Rate Account, for one year ending 29 September 1893 - - - p. 7

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Sinking Fund Account, for one year to 29 September 1893 - - - - p. 8

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Sewers Rate Account, for one year ending 29 September 1893 - - - - p. 8

An Account of Monies Received and Paid by the Chamberlain of London in respect of the Dwelling House Improvement Fund, for one year ending 29 September 1893 - - p. 9

An Account of Monies Received and Paid by the Chamberlain of London, in respect of the City Police Fund, for the year ending 31 December 1893 - - - - - p. 10

An Account of Monies Received and Paid by the Chamberlain of London in respect of Ward Rates, &c., for the year 1893 - - - - - - - - - - p. 11

An Account of Monies Received and Paid by the Chamberlain of London in respect of the City Police Superannuation Fund, for the year ending 31 December 1893 - - p. 12

COAL MARKET FUND.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the COAL MARKET FUND (Acts 1 & 2 Will. 4; and 1 & 2 Vict., and 9 Vict.), for the Year ending 31st December 1893.

Dr

	£.	s.	d.
TO balance in hand on 31st December 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893 - -	2,874	4	2
To rents, &c. of offices at the Coal Market - - - - - - - -	2,157	4	1
£.	5,031	8	3

Cr

BY cash, salaries to officers - - - - - - - - - -	531	10	-
By ditto, clothing for beadles - - - - - - - - - -	26	1	6
By ditto, artificers' work, repairs, and sanitary works - - - - -	394	1	1
By ditto, gas and coals - - - - - - - - - - -	191	19	5
By ditto, fire insurance - - - - - - - - - - -	60	-	-
By ditto, rates, taxes, tithes, and water rent - - - - - - - -	681	4	4
By ditto, special police services - - - - - - - - - -	125	-	-
By ditto, printing and stationery - - - - - - - - - -	3	1	11
By ditto, disbursements and incidental expenses - - - - - - -	91	12	6
By ditto, committee's expenses - - - - - - - - - -	19	8	8
	2,123	19	5
Balance in hand on 31st December 1893 - - -	2,907	8	10
£.	5,031	8	3

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

CLERKENWELL IMPROVEMENT FUND.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the Improvements authorised to be effected, viz., from Farringdon Street to Coppice Row, Clerkenwell (Acts 13 & 14 Vict., and 14 & 15 Vict.), to complete the Improvements commenced by the Clerkenwell Improvement Commissioners, for the Year ending 31st December 1893.

Dr

	£.	s.	d.
TO balance in hand on 31st December 1892, as per Statement delivered to the Honourable the House of Commons, on 31st July 1893	449	8	–¼
£.	449	8	–¼

Cr

BY rent-charge	1	–	–
By H. H. Crawford, Esq., taxed costs, re-investment of purchase-money of property in Sharp's Alley, &c.	43	7	5
	44	7	5
Balance in hand on 31st December 1893	405	–	7¼
£.	449	8	–¼

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

BLACKFRIARS BRIDGE.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the FUND for the REBUILDING of BLACKFRIARS BRIDGE (Acts 26, 27, & 30 Vict.), for the Year ending 31st December 1893.

Dr

	£.	s.	d.
TO balance in hand on the 31st December 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893	5,900	12	1½
To rents received	651	8	6
£.	6,552	–	7½

Cr

BY income tax allowed on rents	20	10	–
Balance in hand on 31st December 1893	6,531	10	7½
£.	6,552	–	7½

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

LONDON TOWER BRIDGE.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the Construction of the Tower Bridge and the Works authorised by the Act 48 & 49 Vict., 52 & 53 Vict., and 56 & 57 Vict. (Corporation of London Tower Bridge Act, 1885, 1889, and 1893), for and Year ending 31st December 1893.

Dr

	£.	s.	d.
TO balance in hand on the 31st December 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893	74,190	13	2
To rents received	754	15	–
To contribution from the Bridge House Estates Account for the construction of the Tower Bridge	105,000	–	–
£.	179,945	8	2

Cr

	£.	s.	d.	£.	s.	d.
BY cash, purchase of property and compensations for property required for the purposes of the Act	12,512	14	–			
By costs, *re* ditto, viz., solicitors, surveyors, and accountants' charges and stamp duty on conveyances	541	1	9			
				13,053	15	9
By return of deposit on a contract				4,627	12	4
By cash, balance of contract for constructing southern approach	5,227	6	8			
By ditto - - ditto - - cast-iron parapet	144	–	–			
By ditto, on account of hydraulic machinery	17,040	–	–			
By ditto - - ditto - iron and steel work of superstructure	50,300	–	–			
By ditto - ditto - masonry and brickwork of ditto	43,810	–	–			
By ditto - ditto - paving and lighting	20,110	–	–			
				136,631	6	8
By J. Wolfe Barry, Civil Engineer, services in superintending construction of bridge				2,000	–	–
By hire of steam-tug to assist vessels past the works				1,975	–	–
By rents, rates, taxes, and insurance				325	5	–
By wages and expenses paid by Conservators of the River Thames, in connection with the Tower Bridge works				728	14	3
By law expenses				65	18	9
By professional charges				154	8	–
By artificers				48	6	6
By repairing roadways				28	14	6
By printing and stationery				3	4	–
By advertising				63	17	4
By gas, Tower Bridge and works				257	12	7
By water - ditto - ditto				7	10	10
By members of Irongate Wharfage Society, compensation allowances for alleged destruction of their business				192	–	–
By allowances to watermen under third section of Tower Bridge Act, 1893				196	4	–
By Tower Bridge Buildings, viz.:	£.	s.	d.			
Rents, rates, taxes, and insurance	725	14	–			
Sundry artificers	135	10	6			
Gas	12	13	11			
Water	6	11	6			
				880	9	11
By salary of caretaker				70	4	–
By Parliamentary expenses				202	5	–
				161,512	9	5
Balance in hand on 31st December 1893				18,432	18	9
£.				179,945	8	2

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

CITY OF LONDON GRAIN DUTY.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the CITY OF LONDON GRAIN DUTY (Acts 35 & 36 Vict., 40 Vict., 40 & 41 Vict., and 41 & 42 Vict.), for the Year ending 31st December 1893.

Dr

	£.	s.	d.
TO balance in hand on 31st December 1892, as per statement delivered to the Honourable the House of Commons on 31st July 1893	192	10	11
To cash received on account of the above duty	16,653	2	11
To ditto, rent received for portion of premises, Great Tower-street (proportion)	72	–	–
To ditto, casual receipts	1	13	6
	16,919	7	4
To ditto, loans raised	50,000	–	–
£.	66,919	7	4

Cr

BY cash, salaries (proportion)	2,078	9	9
By ditto, pensions on the abolition of offices, in pursuance of the above Act (35 & 36 Vict.)	1,435	18	6
By ditto, scalemaker's work (proportion)	85	17	4
By ditto, rent, rates, and taxes of Corn Office, Great Tower-street (proportion)	433	17	10
By ditto, repairs and alterations (proportion)	28	–	10
By ditto, coal and gas (proportion)	41	3	3
By ditto, stationery and printing	61	6	7
By ditto, lithographing and stamping bonds	274	8	9
By ditto, law expenses	9	6	4
By ditto, interest on loans for purchase of open spaces	7,451	5	–
By ditto, inspection of weights, &c.	9	–	–
By ditto, sundry expenses *re* various open spaces	36	1	6
By ditto, contribution to Epping Forest Income Account	3,600	–	–
By ditto, maintenance of St. Paul's Churchyard	359	19	5
By ditto, maintenance and sundry expenses of Burnham Beeches	352	1	6
By ditto, maintenance and sundry expenses of Coulsdon and other Commons, Surrey	183	1	7
	16,439	18	2
By ditto, loans repaid	50,000	–	–
By ditto, transfer to Grain Duty Loans Sinking Fund, surplus proceeds to 31st December 1893	479	9	2
£.	66,919	7	4

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

SEWERS.

No. 1.—Consolidated Rate Account.

The Chamberlain of *London*, Treasurer, in Account with the Commissioners of Sewers of the City of *London*, for One Year ending 29th September 1893.

Dr

	£.	s.	d.
TO balance in hand on the 29th September 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893	169,645	–	5
To cash received on account of rate made - 24th January 1888 - £. 522 19 3			
To - ditto - ditto - 7th April 1891 - 77 9 1			
To - ditto - ditto - 26th January 1892 - 121,030 17 4			
To - ditto - ditto - 24th January 1893 - 304,639 6 10			
	426,270	12	6
To - ditto - compositions for paving, lighting, &c.	260	14	5
To - ditto - fines, penalties, &c.	270	3	–
To - ditto - reimbursements, cleansing	9,440	14	5
To - ditto - reimbursements, latrines	2,850	8	5
To - ditto - reimbursements, sanitary and compulsory works	28	2	9
To - ditto - reimbursements, dangerous structures	364	7	7
To - ditto - fees for interments at the City of London Cemetery	8,612	18	–
To - ditto - rent and sale of crops at cemetery	54	–	–
To - ditto - fees, for licenses of hoards, &c.	1,037	–	6
To - ditto - produce of sale of condemned meat	1,059	14	5
To - ditto - fees received of inspectors of gas meters under Gas Measures Act	1,622	19	–
To - ditto - fees received of inspectors under Explosives Act, 1875	2	7	–
To - ditto - fees received of inspectors under Public Health Act	50	15	–
To - ditto - fees received of inspectors under Adulteration of Food Act, &c.	2	4	6
To - ditto - fees received of inspectors under London Sky Signs Act, 1891	–	15	–
To - ditto - fees received of inspectors under Weights and Measures Act	1,282	–	5
To - ditto - reimbursement of law expenses	7	–	–
	622,861	17	4
To - ditto - reimbursement of monies expended on improvements	121,460	17	11
To - ditto - loan raised	153,000	–	–
£.	897,322	15	3

Cr

BY cash, salaries	14,271	7	6
By ditto, wages to clerks of works and other disbursements	739	15	4
By ditto, retiring allowances, &c.	1,456	18	8
By ditto, commission on collection of rates	5,467	10	11
By ditto, paving and repairing pavements	36,955	2	2
By ditto, gas lighting	10,227	10	4
By ditto, electric lighting	11,446	2	1
By ditto, expenses of testing gas	1,555	2	8
By ditto, expenses under Gas Measures Acts	1,192	14	2
By ditto, condemned meat destructor	853	–	6
By ditto, cleansing and watering expenses	49,680	18	8
By ditto, sanitary expenses	3,080	4	5
By ditto, City of London Cemetery expenses	7,085	7	7
By ditto, legal and Parliamentary expenses	1,016	10	5
By ditto, sundry artificers and contractors	9,491	14	1
By ditto, latrine expenses	7,628	19	9
By ditto, mortuary expenses	233	3	6
By ditto, incidental charges	1,909	–	10
By ditto, expenses in respect of dangerous structures	124	1	2
By ditto, expenses under Weights and Measures Act	1,127	3	2
By ditto, expenses under Public Health Act	1,184	13	2
By ditto, advertising	598	18	4
By ditto, proportion of the expenses of the School Board for London, one and a quarter years	220,271	11	1
	387,597	10	6
By ditto, loans repaid	200,487	–	–
By ditto, transfer to Sinking Fund (loan of 500,000*l.*)	18,000	–	–
By ditto, purchase of ground for improvements, including cost of building, vaults, &c. - £. 67,951 6 4			
By ditto, interest and commission on loans (less tax) - 51,655 – 10			
By ditto, lithographing and stamping bonds - 798 7 –			
	120,404	14	2
	726,489	4	8
Balance in hand on 29th September 1893	170,833	10	7
£.	897,322	15	3

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

SEWERS—*continued.*

No. 2.—SINKING FUND ACCOUNT.

THE CHAMBERLAIN of *London*, Treasurer, in Account with the Commissioners of Sewers of the City of *London*, in respect of the Sinking Fund for the Loan of 500,000*l.*, raised 19th July 1891, under the City of London Sewers Act, 1848, &c., and the Local Loans Act, 1875, for One Year to 29th September 1893.

Dr	£.	s.	d.
TO balance in hand, on the 29th September 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893	5	9	6
To cash transfer from the Commissioners of Sewers Consolidated Rate Account	18,000	–	–
To ditto, interest on investments	757	18	10
To ditto, principal of City Bond, Tower Bridge Act, drawn and paid off	100	–	–
	18,863	8	4
Balance overpaid on 29th September 1893	41	8	5
£.	18,904	16	9

Cr	£.	s.	d.	£.	s.	d.
BY cash, purchase of City Bonds, viz.:						
£.12,500 Metropolitan Cattle Market Act, 3¼ per cent.	12,829	15	9			
£.6,000 - - ditto - ditto - 3 per cent. -	6,075	1	–			
				18,904	16	9
£.				18,904	16	9

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

No. 3.—SEWERS RATE ACCOUNT.

THE CHAMBERLAIN of *London*, Treasurer, in Account with the Commissioners of Sewers of the City of *London*, for One Year ending 29th September 1893.

Dr	£.	s.	d.
TO balance in hand on the 29th September 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893	8,746	8	2
To cash, received on account of rate made 7th April 1891 - £. 2 17 5			
To ditto, received on account of rate made 26th January 1892 - 5,284 17 4			
To ditto, received on account of rate made 24th January 1893 - 12,167 13 5			
	17,455	8	2
To ditto, in reimbursement of the expense of constructing private drains	1,299	16	3
To ditto, compositions for building and altering sewers	563	2	4
£.	28,064	14	11

Cr	£.	s.	d.
BY cash, paid for building new sewers	2,725	1	–
By ditto, bricklayers' work in repairing and cleansing sewers and constructing private drains	6,689	8	9
By ditto, making out rate books	82	13	6
By ditto, commission on collection of rate	224	8	3
By ditto, incidental expenses	103	15	–
By ditto, amount paid to Dwelling House Improvement Fund, under Clause 21, Artizans' Dwellings Act, 1875	10,000	–	–
	19,825	6	6
Balance in hand on 29th September 1893	8,239	8	5
£.	28,064	14	11

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

No. 4.—Dwelling House Improvement Fund.

The Chamberlain in Account with the Commissioners of Sewers of the City of *London*, for One Year ending 29th September 1893, in respect of the Dwelling House Improvement Fund (Artizans and Labourers' Dwellings Improvement Act, 1885, 38 & 39 Vict. c. 36).

Dr	£.	s.	d.
TO transfer from Sewers Rate Account	10,000	–	–
To rents received from artizans' dwellings (Petticoat-square)	5,465	15	11
To deposit, *re* sale of land, Golden Lane site	1,600	–	–
	17,065	15	11
Balance overdrawn on 29th September 1893	54,210	1	7
£.	71,275	17	6

Cr	£.	s.	d.
BY balance overpaid 29th September 1892, as per Statement delivered to the Honourable the House of Commons on 31st July 1893	51,460	14	–
By repairs and alterations	455	12	9
By interest on loans (Artizans' Dwellings Act)	6,727	10	–
By gas	296	15	–
By water	81	–	–
By rates and taxes	689	15	1
By incidental expenses	64	10	8
By moneys due to bondholders account in discharge of part of loan (Artizans' Dwellings Act, 1881)	11,500	–	–
£.	71,275	17	6

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

CITY POLICE FUND.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the City Police Fund, pursuant to Acts 2 & 3 Vict., and 37 & 38 Vict., for the Year ending 31st December 1893.

Dr

	£.	s.	d.	£.	s.	d.
TO balance in hand on the 31st December 1892, as per Statement delivered to the Honourable the House of Commons on the 31st July 1893				24,270	9	–
To cash received on account of rate due Christmas 1891	1	–	10			
To - ditto - ditto - Christmas 1892	5,569	14	1			
To - ditto - ditto - Christmas 1893	88,488	–	7			
				94,058	15	6
To amount contributed by the Corporation, one equal fourth part of the expenses of the Police, in pursuance of the provisions of the Act 2 & 3 Vict.				29,469	16	6
To cash received from the Bridge House Estates, in reimbursement of the expense of watching, for one year, London, Blackfriars, and Southwark Bridges				765	–	–
To ditto, in reimbursement for services of extra constables employed in private watching				11,335	18	8
To ditto, received for fines and penalties imposed under Act 2 & 3 Vict.				370	19	10
			£.	160,270	19	6

Cr

	£.	s.	d.	£.	s.	d.
BY salaries, viz.:						
Commissioner (one year)	1,279	13	8			
Assistant Commissioner (ditto)	596	12	4			
Surgeon (ditto)	400	–	–			
Receiver (ditto)	437	10	–			
Town Clerk's Establishment Account, proportion of salary due to him and to his clerks, for one year	300	–	–			
City Surveyor's Establishment Account, for the like, for one year	250	–	–			
Premium for guarantee of fidelity	7	10	–			
				3,321	6	–
By salaries and wages to the several superintendents, inspectors, clerks, and constables of the force, for 52 weeks to 27th December 1893, including boot money				89,106	13	10
By transfer to the Superannuation Fund the amount of deductions from salaries and wages, fines for misconduct, stoppages when sick, &c., pursuant to 11th section of Act 37 & 38 Vict., for one year	£. 2,403	s. 2	d. 10			
By transfer to the Superannuation Fund to make good the deficiency for the payment of the allowances payable thereout, pursuant to the 2nd section of Act 37 & 38 Vict.	13,991	9	10			
				16,394	12	8
By transfer to the Police Widows' Pension Fund; the amounts deducted from weekly pay sheets for one year				560	13	8
By expenses of clothing, helmets, and accoutrements				2,874	4	–
By expenses of lanterns (one year)				329	16	8
By expenses of the Chief Office and several stations, including rent, insurance, taxes, repairs, furniture, bedding, &c.				17,679	3	5
By expenses of printing and stationery				441	17	5
By amount paid to police constables for extra services, pursuant to 13th section of Act 2 & 3 Vict.				52	–	–
By expenses of making rates				173	8	7
By expenses of serving summonses				24	11	8
By law charges				42	18	5
By auditors' fees				52	10	–
By commission on collection of rates				2,871	15	2
				133,925	11	6
Balance in hand on 31st December 1893				26,345	8	–
			£.	160,270	19	6

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

WARD RATES.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the WARD RATES levied for defraying the Charges for the Year 1893, of WARD CLERKS, BEADLES, and other Expenses connected with the holding of WARDMOTES, and for Local Purposes connected therewith, in the several Wards of the City of *London*, pursuant to Act 2 & 3 Vict.

Dr

	£.	s.	d.	£.	s.	d.
TO balance in hand on the 31st December 1892, as per Statement delivered to the Honourable the House of Commons, on the 31st July 1893 - -				1,629	9	5
To cash received on account of rate levied in respect of the said expenses incurred in the year 1892 - - - -	1,156	14	8			
To ditto - - - ditto - - - 1893 - - - -	5,982	5	6			
				7,139	-	2
			£.	8,768	9	7

Cr

BY cash paid to the Deputies of the several Wards, in respect of the above-mentioned charges and expenses, for the year 1893, viz.:—

	£.	s.	d.	£.	s.	d.
Aldersgate Within - - - - - - -	30	–	–			
Ditto - Without - - - - - - -	50	–	–			
Aldgate - - - - - - - - -	250	–	–			
Bassishaw - - - - - - - -	105	–	–			
Billingsgate - - - - - - - -	144	4	3			
Bishopsgate Within - - - - - -	69	–	1			
Bread-street - - - - - - - -	147	10	–			
Bridge - - - - - - - - -	101	11	–			
Broad-street - - - - - - - -	380	–	–			
Candlewick - - - - - - - -	150	–	–			
Castle Baynard - - - - - - -	250	–	–			
Cheap - - - - - - - - -	260	–	–			
Coleman-street - - - - - - -	373	–	–			
Cordwainer - - - - - - - -	202	–	–			
Cornhill - - - - - - - - -	192	12	6			
Cripplegate Within - - - - - -	187	10	–			
Dowgate - - - - - - - -	251	–	–			
Farringdon Within - - - - - -	360	–	–			
Ditto - Without - - - - - -	1,100	–	–			
Langbourn - - - - - - - -	320	–	–			
Lime-street - - - - - - - -	150	–	–			
Portsoken - - - - - - - -	200	–	–			
Queenhithe - - - - - - - -	260	–	–			
Tower - - - - - - - - -	400	–	–			
Vintry - - - - - - - - -	228	2	–			
Walbrook - - - - - - - - -	117	–	–			
				6,278	9	10
By commission on collection of rates - - - - - - - - -				182	15	9
				6,461	5	7
Balance in hand on 31st December 1893 - - - - -				2,307	4	–
			£.	8,768	9	7

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

CITY POLICE SUPERANNUATION FUND.

THE CHAMBERLAIN in Account with the Corporation of *London*, in respect of the CITY POLICE SUPERANNUATION FUND (Acts 2 & 3 Vict., and 37 & 38 Vict.), for the Payment of Superannuation and Retiring Allowances, for the Year ending 31st December 1893.

Dr

	£. s. d.	£. s. d.
TO amount of fines for assaults on police constables, &c., imposed under the Act 2 & 3 Vict.		110 14 3
To amount transferred from the City Police Fund for deductions or stoppages from the salaries and wages of the police force for misconduct, sickness, and in respect of the Superannuation Fund (one year)	2,403 2 10	
To ditto - ditto to make up the deficiency for the payment of the allowances, pursuant to second section of Act 37 & 38 Vict.	13,991 9 10	
		16,394 12 8
To messenger to Police Receiver, contribution under Superannuation Act		1 11 6
To amount realised by the sale of old clothing		599 3 11
To licences to pedlars and sweeps		14 17 7
	£.	17,120 19 11

Cr

	£.	£. s. d.
BY pensions to superannuated police constables		16,613 15 11
By gratuities to retired constables		300 10 2
By transfer to City Police Widows' Pension Fund, amounts deducted from Superannuation Allowances		206 13 10
	£.	17,120 19 11

Chamber of London,
11 July 1894.

W. J. R. Cotton, Chamberlain.

CHAMBER OF LONDON.

ANNUAL ACCOUNTS

OF THE

CHAMBERLAIN OF THE CITY OF LONDON,

RELATING TO

Coal Market Fund; Clerkenwell Improvement Commissioners; Blackfriars Bridge; London Tower Bridge; City of London Grain Duty; Sewers; City Police Fund; Ward Rates; and City Police Superannuation Fund.

(Presented pursuant to Act of Parliament.)

Ordered, by The House of Commons, *to be Printed,*
24 *July* 1894.

[*Price* 2 *d.*]

233. *Under* 2 *oz.*

SELECT COMMITTEE

ON

PUBLIC PETITIONS.

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
11 *April* 1894.

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102.

Public Petitions.

Ordered,—[*Friday*, 16*th March* 1894]:—That a Select Committee be appointed, to whom shall be referred all Petitions presented to the House, with the exception of such as relate to Private Bills; and that such Committee do classify and prepare abstracts of the same, in such form and manner as shall appear to them best suited to convey to the House all requisite information respecting their contents, and do report the same from time to time to the House; and that the reports of the Committee do set forth the number of signatures to each Petition only in respect to those signatures to which addresses are affixed:—And that such Committee have power to direct the printing *in extenso* of such Petitions, or of such parts of Petitions, as shall appear to require it:—And that such Committee have power to report their opinion and observations thereupon to the House:

The Committee was accordingly *nominated* of:—

Mr. Benn.	Mr. Kennedy.
Mr. Biddulph.	Mr. Leake.
Colonel Bridgeman.	Mr. Herbert Lewis.
Mr. Byles.	Mr. Mulholland.
Colonel Cotton-Jodrell.	Mr. T. P. O'Connor.
Mr. Crombie.	Mr. Tollemache.
Sir Charles Dalrymple.	Mr. Henry J. Wilson.

That Three be the Quorum of the Committee.

Ordered,—[*Monday*, 2*nd April* 1894]:—That the Select Committee on Public Petitions have power to send for Persons, Papers, and Records.

MINUTES OF EVIDENCE - - - - - - - - - - p. 3

APPENDIX - - - - - - - - - - - - - - p. 6

MINUTES OF EVIDENCE.

Wednesday, 4th April 1894.

MEMBERS PRESENT:

Mr. Biddulph.
Mr. Crombie.
Sir Charles Dalrymple.

SIR CHARLES DALRYMPLE, BART., IN THE CHAIR.

Mr. JAMES B. BULL, called in; and Examined.

Chairman.

1. YOU are Clerk of the Journals of the House?—I am.

2. And you were for a long while Clerk of the Committee on Public Petitions?—Yes, I served that office for about 22 years.

3. So that you have had a full knowledge for a number of years of all the circumstances connected with Petitions?—Yes, I have an intimate knowledge.

Chairman—continued.

4. I believe you have prepared a statement on the subject of Petitions?—Yes, I have.

5. I think it would be very convenient if you were to hand it in, so that it might be read to the Committee. (*The same was handed in, and is as follows:*—)

PRINTING.

This expense has been largely diminished.

In 1829, 3,394	Petitions	were ordered to be printed.*
1830–1, 2,572	„	„ *
1834, 2,609	„	„
1836, 2,127	„	„
1890, 201	„	„
1892, 128	„	„
1893–4, 298†	„	„

SIGNATURES.

As regards counting the signatures the Select Committee of 1832 recommended that a Select Committee should be appointed at the commencement of every Session, whose duty it should be to make to the House a periodical Report, arranging the Petitions according to the subjects to which they referred, and containing a general summary of the prayer of each Petition, and *an account of the number of signatures.*

The above recommendation was adopted, and the signatures have been counted ever since the year 1833.

The signatures are counted by law stationers' clerks, under the supervision of the Clerk to the Public Petitions Committee and the Office Clerk in the Journal Office.

There was one notable exception, viz., in 1842, when a Petition was presented, alleged to have been signed by 3,315,752 persons, in favour of Universal Suffrage, &c. In the above case it was known that the numbers were taken for granted.

Some

* *See* Report of Select Committee of 1832.
† The longest Session known, except during the Long Parliament.

Some years afterwards, in 1848, a Petition was presented for the People's Charter, known as "The Chartist Petition," and the Petitioners were doubtless not aware that the signatures would be counted.

It purported to contain 5,706,000 signatures. The Committee met to consider what course they should pursue, and directed their Clerk (Mr. Bull) to take a yard measure, count the number of signatures in a yard, and then measure the Petition and multiply the number of signatures by the number of yards. The Clerk, after the Committee had broken up, considered that it would be impossible to obtain by that means an accurate or even an approximate estimate; he, therefore, on his own responsibility, sent for law stationers' clerks, and had the Petition counted and made up into rolls of 5,000 each, for facility of re-counting if necessary, and it was *during the counting* that the frauds were discovered. The Committee fully endorsed the action of their clerk, and made the following Special Report:—

m. J., . 103, p. 442, h April 18.
tition from abitants of British es for iversal frage.
artist ition.)
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rds and ases signed names.

"That the Committee, in conformity with the Instruction of the House of the 26th of November last, 'in all cases do set forth the number of signatures to each Petition,' and also having regard to the power at the same time delegated to them, 'to report their opinions and observations thereupon to the House,' have agreed to the following Special Report: That on the 10th day of April instant, a Petition for 'Universal Suffrage, &c,, from Inhabitants of the British Isles, and subjects of the British Crown,' was presented to the House. Your Committee strongly feel the value of the right of Petition, consider the exercise of it as one of the most important privileges of the subjects of the realm, and feel the necessity of preserving the exercise of such privilege from abuse; and, having also a regard to the importance of the very numerously signed Petition forming the subject of the present Report, they feel bound to represent to the House that in the matter of signatures there has been, in their opinion, a gross abuse of the privilege. The honourable Member for Nottingham stated, on presenting the Petition in question to the House, that 5,706,000 signatures were attached to it. Upon a most careful examination of the number of signatures in the Committee Room, in which examination thirteen law stationers' clerks were engaged for upwards of seventeen hours, with the person ordinarily employed in counting the signatures appended to Petitions, under the superintendence of the clerk of your Committee, the number of signatures has been ascertained to be 1,975,496; it is further evident to your Committee that on numerous consecutive sheets the signatures are in one and the same handwriting. Your Committee have also observed the names of distinguished individuals attached to the Petition, who cannot be supposed to have concurred in its prayer, and as little to have subscribed it. Amongst such occur the names of Her Majesty, in one place, as Victoria Rex, April 1st, the Duke of Wellington, K.G., Sir Robert Peel, &c., &c., &c. In addition to this species of abuse, your Committee have observed another, equally in derogation of the just value of Petitions, namely, the insertion of names which are obviously altogether fictitious, such as 'No Cheese,' 'Pug-nose,' 'Flat-nose,' &c. There are other words and phrases which, though written in the form of signatures, and included in the number reported, your Committee will not hazard offending the House, and the dignity and decency of their own proceedings, by reporting, though it may be added, that they are obviously signatures belonging to no human being."

It has been suggested that a Member who desires to have his Petition counted might write directions on the Petition to that effect, but sometimes in moving about large Petitions they are unavoidably torn and the direction might be missed.

It must also be considered that such a regulation would give a great deal of trouble to Members and increase their correspondence, and would afford only very partial and insufficient information as to the numbers of persons by whom Petitions are supported.

The only alternative would seem to be either to count all the Petitions, as at present, or none.

It is not possible in any case to rely upon the numbers placed on Petitions by the parties who get them up, however well intentioned they may be, because the counting is often incorrect and even if correct as to the number of signatures, it includes all signatures, even those which may be fictitious, and those which may have no addresses attached, and which are ordered by the House not to be counted.

The present system has the advantage of absolute impartiality.

If no signatures are counted by responsible persons, the value of the right of petitioning would be seriously diminished.

That such right is still highly valued by the people of this country is evidenced by the fact that 33,742 Petitions have been presented in Session 1893–4, signed by 5,010,056 persons; all the signatures have been counted by law stationers' clerks, under proper supervision. The above number has only once been exceeded during the last sixty years, viz., in 1843, when 33,898 Petitions were presented, signed by 6,135,050 persons.

The saving of the cost by not counting would probably amount to only about one-fourth of the whole charge.

The abolition of the counting would, in all probability, lead to the preparation and presentation of an enormous number of Petitions signed by one person only, and the expense of counting, sorting, and folding, endorsing, and entering such Petitions would largely exceed the present cost of counting large numbers of names to a smaller number of Petitions. Of this practice a case may be quoted in June 1884, when about 1,400 Petitions were presented, each signed by an individual holder of property in a railway or railways.

The

The main expense is in sorting, folding, endorsing, and entering the Petitions in the Reports on Public Petitions, and numbering them for facility of reference, and in sorting and entering large classes in the Votes and Proceeding in the evening.

It is submitted that a very great saving in the printing of Petitions in the Appendix has been steadily effected during the last 50 years, and that the actual cost of counting is really very small.

The Petitions are preserved during the Parliament in which they are presented, and are then destroyed by order of Mr. Speaker by the Stationery Office, as it is considered that all necessary information with respect to them is contained in the Reports of the Committee and the Appendix thereto.

The Session of 1893–4 was the longest known in Parliamentary History,* and it is submitted that it would not be wise to make changes in consequence of expense, which is abnormal.

* Except during the Long Parliament.

Chairman—continued.

6. It would appear from that Statement which you have laid before us that, as regards expense, there has not really been an increase in the cost of counting of late years, but that, on the contrary, the cost has diminished, and that it is only owing to the extreme length of the last Session of Parliament that the sum appears to be larger?—I have not prepared a financial paper on that subject; but, as regards the counting of Petitions, the expense in every year practically neither increases nor decreases; it is about the same. But the increase this year is caused by the enormous number of signatures that there have been to count.

7. And the greatly extended time during which it was possible to petition?—Yes; that is an element of consideration. A Session of 13 months is of course more expensive.

Mr. *Biddulph.*

8. And may not this increase partly be owing to the abnormal state of the business last Session. We had the Irish Home Rule Bill, for instance, which of course excited a great deal of attention in the country, and caused a great many Petitions to be presented; and there was also the Welsh Disestablishment Bill and matters of that sort, which may have occasioned more Petitions than is generally the case in an ordinary Session?—Yes; and the Local Veto Bill as well.

9. And that state of business, you think, may have partly caused this increase?—Certainly.

Mr. *Crombie.*

10. Are we to understand that the aggregate expenses connected with this Committee have been a decreasing figure or an increasing figure?—Since the old times they have been decreased enormously. I show that in my Statement, because, whereas in 1836 (that was after this Committee was appointed) there were 2,000 Petitions printed, last year there were only 298, notwithstanding the abnormal length of the Session.

11. Therefore I infer from that that it is the printing which is the heavy expense, and that the counting is only a minor expense?—The counting is a very minor expense.

Mr. *Crombie*—continued.

Chairman.

12. And may we also understand that the greater care taken by the Committee in selecting Petitions of sufficient importance to be printed modifies the expense?—That modifies the expense very greatly of course. I remember when Sir Robert Inglis was a Member of this Committee that he insisted on having every Petition from every Corporation printed. If the Committee require a statement of the expense showing the increase or diminution I could get it for them from Messrs. Nichols if the Committee like to adjourn the inquiry for a time.

13. Do you know whether the expense as a whole has increased?—I did not know that the Committee were going into the whole expense, and I confined my attention mainly, therefore, to the one point of the counting of the signatures.

14. Are you aware whether taking last year the estimate for the cost was reached?—It was not reached, speaking as regards the counting of the signatures only. I think the Treasury Letter says that the increase was attributed to that only; but the facts which I have from the Accounting Officer of the House, show that whereas the total estimate was 520*l.*, the actual cost was 449*l.* 14*s.* 6*d.*, but owing to the late introduction of Bills this year the charge for the last quarter was only 18*l.* 4*s.*, against 91*l.* 14*s.* 6*d.* in the corresponding quarter of last year. I may mention that the Accounting Officer had included in his estimate all the expenses of folding, endorsing, and entering Petitions in the Reports of the Committee, and other incidental expenses relative thereto, for the sake of brevity under the Head of "Counting," the cost of which item may be approximately stated as being about one-fourth of the total charge.

15. So that although there is an increase on certain previous years the amount spent last year was not equal to the estimate?—That is so.

The Witness withdrew.

[Adjourned.

APPENDIX.

Sums paid to Messrs. J. B. Nichols and Sons for Printing, Folding, &c., Reports and Appendices, and Indices to Reports on Public Petitions from 1833 to 1892.

PERIOD.	Total Cost for the Ten Years.	Average Cost per Year.
	£. s. d.	£. s. d.
Ten years, 1833—1842 - - - - - -	10,533 2 11	1,053 6 3
Ten years, 1843—1852 - - - - - -	13,349 17 2	1,334 19 8
Ten years, 1853—1862 - - - - - -	11,711 1 11	1,171 2 2
Ten years, 1863—1872 - - - - - -	9,525 – 9	952 10 –
Ten years, 1873—1882 - - - - - -	8,199 15 7	819 19 6
Ten years, 1883—1892 - - - - - -	6,114 12 3	611 9 3

In addition to the above reduction, there has been a large further saving of expense as regards Public Petitions; up to the year 1852 they were all entered, with a short abstract of their contents, in the Journals of the House and General Index thereto. That practice was discontinued in the above year. There was also a General Index to Reports printed; but that has not been repeated, and another great saving has been thereby effected.

Note.—The above information has been procured since the evidence was given, and its introduction as an Appendix has been sanctioned by the Committee.

SELECT COMMITTEE

ON

PUBLIC PETITIONS.

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
11 *April* 1894.

[*Price* 1*d.*]

102. *Under* 1 *oz.*

REPORT

FROM THE

SELECT COMMITTEE

ON

RETIRED SOLDIERS AND SAILORS' EMPLOYMENT;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

APPENDIX AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
3 *August* 1894.

LONDON:
PRINTED FOR HER MAJESTY'S STATIONERY OFFICE,
BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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JOHN MENZIES & Co., 12, Hanover Street, Edinburgh, and
90, West Nile Street, Glasgow; or
HODGES, FIGGIS, & Co., Limited, 104, Grafton Street, Dublin.

258.

Retired Soldiers and Sailors' Employment.

Ordered,—[*Wednesday*, 13*th June* 1894]:—That a Select Committee be appointed to inquire and report what results have followed upon the recommendations made by the Select Committee of 1876-77 for the Employment of meritorious Soldiers, Sailors, and Marines in Civil Departments of the Public Service; and to inquire whether any, and, if so, what further measures are desirable for the purpose of extending the Employment of this class in those departments, and also for helping them to obtain service, to such extent as they may be fitted for it, with private employers of labour.

Committee nominated—[*Thursday*, 28*th June* 1894]—of—

Mr. Austin.
Mr. Benson.
Captain Bethell.
Mr. Birkmyre.
Mr. Brookfield.
General Sir George Chesney.
Captain Fenwick.
Captain Grice-Hutchinson.
Colonel Lockwood.
Mr. William M'Arthur
Colonel Murray.
Mr. Wilson (Durham),
Mr. Woodall.

That the Committee have power to send for Persons, Papers, and Records.

That Three be the Quorum of the Committee.

Ordered,—[*Friday*, 29*th June* 1894]:—That Mr. Pickersgill and Viscount Wolmer be added to the Select Committee on Retired Soldiers and Sailors' Employment.

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REPORT.

THE SELECT COMMITTEE appointed to inquire and report what results have followed upon the Recommendations made by the Select Committee of 1876–77 for the Employment of meritorious Soldiers, Sailors, and Marines in Civil Departments of the Public Service; and to inquire whether any, and, if so, what further measures are desirable for the purpose of extending the Employment of this class in those Departments, and also for helping them to obtain service, to such extent as they may be fitted for it, with private Employers of Labour;—— HAVE agreed to the following REPORT:—

YOUR Committee are of opinion that at this late period of the Session it will not be in their power to conclude their inquiry; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject be appointed in the next Session of Parliament.

3 *August* 1894.

PROCEEDINGS OF THE COMMITTEE.

Thursday, 12*th July* 1894.

MEMBERS PRESENT:

Commander Bethell.	Viscount Wolmer.
Mr. Benson.	Colonel Murray.
Mr. Birkmyre.	Captain Grice-Hutchinson.
Mr. Brookfield.	Mr. Austin.
General Sir George Chesney.	Mr. Woodall.
Captain Fenwick.	Colonel Lockwood.
Mr. William M'Arthur.	

General Sir GEORGE CHESNEY was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 17*th July* 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Mr. Austin.	Colonel Lockwood.
Mr. Benson.	Colonel Murray.
Commander Bethell.	Mr. Pickersgill.
Mr. Brookfield.	Mr. Wilson (Durham).
Captain Fenwick.	Viscount Wolmer.
Captain Grice-Hutchinson.	Mr. Woodall.

General the Honourable *W. A. Feilding* and Colonel *Cox* were examined.

[Adjourned till Friday next, at Half-past Twelve o'clock.

Friday, 20*th July* 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Mr. Benson.	Viscount Wolmer.
Captain Fenwick.	Mr. Woodall.
Mr. Pickersgill.	Commander Bethell.
Colonel Lockwood.	

General Sir *John Adye*, G.C.B., Mr. *R. H. Hobart*, C.B., and Mr. *Herbert Joyce*, C.B., were examined.

[Adjourned till Tuesday next, at Half-past Twelve o'clock.

Tuesday, 24th July 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Commander Bethell.	Mr. Wilson (Durham).
Mr. Benson.	Viscount Wolmer.
Mr. Brookfield.	Mr. Austin.
Captain Grice-Hutchinson.	Colonel Lockwood.
Colonel Murray.	Captain Fenwick.

Mr. *Herbert Joyce*, C.B., was further examined.

Mr. J. *S. Lockhart* was examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 27th July 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Mr. Benson.	Colonel Lockwood.
Mr. Brookfield.	Colonel Murray.
Captain Grice-Hutchinson.	Viscount Wolmer.

Captain *G. A. Anson*, Dr. *William Anderson*, Lieutenant General Sir *William Drysdale*, K.C.B., Major General *Moody*, and Colonel *Ritchie* were examined.

[Adjourned till Tuesday next, at Twelve o'clock.

Tuesday, 31st July 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Commander Bethell.	Mr. Wilson (Durham).
Mr. Brookfield.	Captain Grice-Hutchinson.
Colonel Lockwood.	Mr. Woodall.
Colonel Murray.	

Colonel *Salis Schwabe*, Mr. *John Bull*, Mr. *George Edward Yorke Gleadowe*, C.M.G., Major *Charles Crutchley*, and Mr. *Murray*, C.B., were severally examined.

[Adjourned till Friday next, at Twelve o'clock.

Friday, 3rd August 1894.

MEMBERS PRESENT:

General Sir GEORGE CHESNEY in the Chair.

Mr. Benson.	Colonel Murray.
Colonel Lockwood.	Mr. Woodall.

Mr. *Fleetwood Wilson*, C.B., Major *Tate*, Mr. *Cecil Maurice Chapman*, and Captain *Pulteney* were examined.

DRAFT REPORT, proposed by the *Chairman*, brought up, and read the first time, as follows:—

"Your Committee are of opinion that at this late period of the Session it will not be in their power to conclude their inquiry; they have, therefore, agreed to report the Evidence already taken to the House, and to recommend that a Committee on the same subject be appointed in the next Session of Parliament."

DRAFT REPORT read a second time, and *agreed to*.

Question, That this Report be the Report of the Committee to the House,—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence, and an Appendix.

EXPENSES OF WITNESS.

NAME of WITNESS.	PROFESSION or CONDITION.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Anson, Captain G. A.	Chief Constable	Stafford	2	2 2 –	2 4 3	4 6
				TOTAL £.		4 6 3

MINUTES OF EVIDENCE.

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Friday, 3*rd August* 1894.

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MINUTES OF EVIDENCE.

Tuesday, 17*th July* 1894.

MEMBERS PRESENT:

Mr. Austin.
Mr. Benson.
Commander Bethell.
Mr. Brookfield.
General Sir George Chesney.
Captain Fenwick.
Captain Grice-Hutchinson.
Colonel Lockwood.
Colonel Murray.
Mr. Pickersgill.
Mr. John Wilson (Durham).
Viscount Wolmer.
Mr. Woodall.

GENERAL SIR GEORGE CHESNEY IN THE CHAIR.

General The Honourable WILLIAM FEILDING, called in; and Examined.

Chairman.

1. YOU are, I believe, the head of the Recruiting Department for the Army?—Yes.

2. You are probably familiar with the substance of the previous inquiry into this subject, which was held in 1876?—Yes, in 1876-77.

3. Do you remember what the recommendations of the Select Committee were upon that subject?—Yes, I have them. In paragraph 11 of the Report they say, "Permanent messengers are for the most part nominated by Ministers or heads of the great Departments. For these appointments soldiers and sailors appear especially suited, and, in the opinion of your Committee, all future selections of messengers should be exclusively made from persons who have served. In paragraph 12 they go into the question of warders in the convict prisons and other prisons, and with reference to that, in paragraph 13 the Committee say they "received conflicting evidence as to the fitness of soldiers for this class of employment; but, although not prepared to recommend the laying down of any rules restricting the discretion of the responsible officers in selecting civilians or soldiers, they cannot but feel that habits of discipline and obedience, and the accustomed exercise of responsible command inherent in military life and service, are valuable qualifications for the charge of prisoners, and thus prison warderships may be reckoned among the appointments to which men who have served in the Army or Navy may reasonably aspire." Paragraph 14 goes on to deal with the question of letter carriers and rural messengers, and says, "It appears, however, that rural messengerships might be advantageously given to soldiers or sailors only, as long as eligible candidates from the locality offer themselves." With reference to policemen and constables, in paragraph 15, after hearing Colonel Henderson's evidence, they say, "Your Committee have only to add that Colonel Henderson's evidence, with respect to the relative advantages of civil and military life, and (particularly his opinion as to the benefits of short service) as preparation for police duties, is especially noteworthy." In paragraph 16 they say, with reference to park-keepers, "In the opinion of your Committee this recent practice" (that is to say, the exclusive appointments without competition, from the Military and Naval Services) "might be made an absolute rule." In paragraph 18, with reference to clerkships, they say that, "While a limited number of pure civilians might be employed as at present in the War Office, its subordinate departments, and the Admiralty, a much larger number of efficient soldiers and sailors should be drafted into them. Military and naval experience will often be found more valuable as a training for duties of this kind than the routine experience which a civilian may have derived from the internal work of an office. Similarly, in the engineer, supply, store,

Chairman—continued.

and barrack departments, soldiers might be, in the opinion of your Committee, employed to a much greater extent."

4. I think there were similar recommendations with regard to the various other Departments of the State?—Yes.

5. Then the Committee went on to say, I think, with regard to employment under private undertakings, that great advantages would result from better arrangements for enabling men on discharge to obtain such employment by the formation of lists of men eligible for different trades or appointments, and the Committee recommended that this should receive the early attention of the naval and military authorities of the Government. With regard to all these recommendations, are you able to inform the Committee to what extent they have been given effect to in the last 18 years?—In 1883 an influential Committee was appointed by the Treasury, which reported in favour of employing army and navy pensioners in the outer and unclerical branches of the Civil Service and the heads of Departments, in response to inquiries made by the Committee, generally expressed themselves favourably. Prior to 1884 the War Office appears to have had no general system for assisting reserve and discharged soldiers in obtaining employment, but in that year, consequent on the recommendations of a Departmental Committee, instructions have issued for a register to be established in every regimental district for the purpose of enabling reserve men and discharged soldiers in the district to obtain employment. It then became embodied in the Queen's Regulations, and there was a section of the Queen's Regulations devoted to that subject. In 1885 the National Association for the Employment of Reserve and Discharged Soldiers was established in London.

6. Is not that association entirely a private undertaking?—It is a private undertaking entirely, but it received a quasi-official sanction, because from the next year of its existence it has received an annual subscription from the State.

7. Of how much?—Varying sums. At present it is 250*l.* a year. I am not aware exactly what the sums were in the early years, but last year it was 200*l.*, and this year it was 250*l.* I have no doubt that you will get all the figures from the chairman of that association. Then the officers commanding regimental districts were brought into touch with that association with the view of working these registries, which it was prescribed by the Queen's Regulations should exist in each regimental district, in a satisfactory manner; but, practically speaking, very little was done in a systematic form at that time. In December 1886 vacancies for postmen, &c., in three out of the four provinces of Ireland, that is to say, Leinster, Munster, and Connaught, were allotted to reserve men residing in those provinces.

8. Exclusively?—No, I cannot say exclusively. They were postmen, generally. In 1887 the then Financial Secretary, Mr. Brodrick, inquired into the whole subject of the employment of ex-soldiers in Government appointments, and came

Chairman—continued.

to the conclusion that compulsion would have to be applied in some form to secure such a number of Government posts as would be of appreciable benefit. In February 1888 His Royal Highness the Commander in Chief addressed a letter to the Secretary of State for War, mentioning the efforts made by the National Association for the Employment of Reserve and Discharged Soldiers, and by the officers in charge of the regimental district registers, and urging that the subject be brought to the notice of the Government with the view to preference being given to ex-soldiers when filling up vacancies in the Civil Departments of the State for which they are eligible, such as writers, messengers, porters, gate-keepers, letter carriers, &c. The Secretary of State circulated this letter to Government Departments with a strong expression of his hope that His Royal Highness's request would be complied with. On the 1st January 1892 appointments as postmen, &c., which had been previously only open to reserve men in Leinster, Munster, or Connaught, were reserved for ex-soldiers throughout the United Kingdom, the only class having preference of ex-soldiers in filling those appointments being the telegraph messengers, who were already in the Post Office employ. In the summer of 1892 the managers of the principal railway companies were convened to a meeting at the War Office by the then Secretary of State, and about 20 of them were present. Through their mouthpiece, Sir Henry Oakley, they expressed their willingness to help the Government in this matter, but said that they could not possibly conceive it was likely that more than 2,000 of these posts would be vacant in any one year. During that year, 1892, or early in that year, it having been found that the regimental district registers had been productive of very good results, the officers in charge of those registries were urged to form regimental district associations for the purpose of employing reserve soldiers, to be composed of the most influential people within their area, and to put themselves into personal communication with all the employers of labour whom they could meet. When these were once constituted it became necessary to consider how far it was wise that these associations should be considered official or voluntary. It was decided that they should be considered voluntary, and that they should be recommended to become branches of the National Association, because it was thought, and rightly so I think, that official associations of this sort would be more likely to do the work perfunctorily, and perhaps with slackness, than if they were affiliated with such a body as the National Association, the committee of which is composed of officers of the highest rank, and employers of labour, and other civilians who take a personal interest in the question. That committee would always be composed of the same stamp of people, having a personal interest in the soldier, whereas if the control rested with the head of a Government Department, that official might or might not take a personal interest in that particular work. The result of this has been decidedly satisfactory, and I should be glad to let the

Chairman—continued.

the Committee have a return which I have drawn up, showing the results of their work tabulated in a convenient form for reference. If the Committee wish I will quote some of the figures.

9. I should like to ask you first on that point this question. You may have noticed, no doubt, that in the previous inquiry the question at issue was mainly in regard to old soldiers, pensioners; that is to say, the new system, the short service then, was only in the course of being initiated, was it not?—Yes.

10. But now the numbers of men who leave the army year by year have been enormously increased, and further, a good many of the objections taken by the various departments to the employment of soldiers appear to have arisen on the score of the age of the men coming to them that they are too old to learn their work. I apprehend that that difficulty has now come to an end, has it not?—Yes.

11. Can you tell the Committee how many soldiers on the average leave the Army every year?—It would be very misleading to give you an average, because until the regiments get into a normal state they vary as much as 3,000 a year. The number varies between 14,000 and 17,000 a year.

12. What is the total number on the reserve at the present moment?—At the present moment the reserve stands at 83,391.

13. Do your figures show how many of those 83,391 have succeeded in finding employment?—I have a return which I obtained in anticipation of this Committee, of the number of army reserve men who are shown by their life certificates to be employed or in employ on the 1st of June 1894. Perhaps I had better explain the way in which the figures are got, because, perhaps, the Committee do not know that these men are obliged to put in their life certificates once a quarter when they get their money. The last time they came up they were told that this time they would be asked to say whether they were in employment or not in employment. Therefore, these figures are dependent entirely upon the truthfulness of the people. While, on the one hand, they may not have liked to say they were unemployed, on the other hand they may have said they were unemployed on the chance of getting employment; therefore, it cuts both ways and it must be taken with a grain of salt. The figures show the number employed as being 73,014.

Mr. *Woodall.*

14. Is there any distinction between wholly or partially employed?—No, none at all. The number of unemployed was 7,723, and there were 2,654 who did not send in their life certificates who may have been in the colonies. In fact, we know there are a great number in the colonies, some in India, some in hospitals, and in various ways are absent or perhaps dead.

Mr. *Pickersgill.*

15. And do they not get their money?—No. We have on record, so far as the work of the regimental districts is concerned, that the number of men registered for civil employment in 1892 belonging to the territorial regiments and to other corps, was 5,642.

Chairman.

16. As candidates for employment, do you mean?—Yes, as candidates for employment. Out of those 5,642 men, 3,222 were offered employment through the registry. Of these 2,143 were offered employment under the Post Office, and 74 in other Government Departments.

17. Within what period?—In one year. I should tell the Committee that it was about the middle of 1892 that this whip-up, as it were, of regimental district registers was completed. Previously they were rather supine in their work. In 1893 there were 6,675 men who registered their names, 3,854 of whom were offered employment, which is an increase, but those who were offered employment under the Post Office decreased by about 700, being 1,456 only.

18. Were those new appointments in addition to those given in the previous year?—Yes; 121 were offered employment in other Government appointments, and the balance were employed by civil companies and general employers of labour. In 1894 up to the 30th of June, there were 7,738, which the Committee will see is more than double (even more in the six months than the whole of the previous year) who had registered their names for civil appointment. Of these 1,918 were offered employment, of which 496 were under the Post Office, and 41 in other Government appointments, so that you see there is another great drop.

19. Are you able to say to what cause the reduction in the number of Government appointments is due?—I think you will probably have witnesses before the Committee who can speak on that with more personal knowledge than myself. I can only speak from hearsay, but I think before the Committee closes its work I shall be able to give them the replies from our officers in charge of registers to questions I have asked with reference to the very point.

20. It becomes evident I think, does it not, that under any circumstances, the total proportion of reserve soldiers who can look to obtaining Government situations of any kind, must be comparatively small as compared with the number who will have to look to outside undertakings for employment?—Certainly.

21. How far is the present agency which you superintend and generally help, suitable for the purpose of securing the object in view, and how far is it susceptible of improvement, do you think?—I do not really think these regimental district agencies can be improved upon. Much depends, of course, upon the zeal and intelligence with which they are managed; but as we receive quarterly returns which give us all information as regards those registries, and the results of them, we are able to administer either encouragement or rebuke according as the figures show an intelligent working or not of the registry.

22. In fact the success of the thing depends a good deal upon the amount of vigour which is

Chairman—continued.

imported into the administration of the business, I suppose?—Entirely.

23. Do these depôts or regimental centre agencies consist solely of the officer commanding, his principal staff officer, or may we infer that in addition to those there are associated with them a certain number of gentlemen in the district who take a part in the matter, or are they purely military official agencies?—On the contrary, we have desired to make them as unmilitary as possible. The Lord Lieutenant was to be the president; if there is a bishop or high ecclesiastical authority near he would be also on the Board; the representatives of all denominations of the Church were to be encouraged to join the executive; also representatives of the labour employers, and a certain number of country gentlemen, Members of Parliament and so forth; in fact it was intended to make it as representative as possible.

24. With whom does it rest to apply to these gentlemen to solicit their aid, and ask them to join?—The officer commanding the regimental district was recommended by His Royal Highness to put himself into communication, if possible, with people of the description I have mentioned, and request their assistance.

25. You are, I suppose, acquainted with the nature of the local board, if I may so call it, in each district?—We have the names of all.

26. Do you find much difference in the number of persons who join in various parts of the country?—I am sorry to say I do.

27. To what do you ascribe that?—Perhaps a little want of tact on the part of those who ask, writing, perhaps, an ill-worded letter instead of having a personal interview.

28. I suppose these gentlemen sometimes only give the support of their names; the place of meeting would be the regimental centre?—No; on the contrary, they are encouraged to make their meeting place the county town or such large town where it is convenient to attend.

29. A regimental office is generally inconvenient, is it not?—In some places where that is so, they have been empowered to have a house in the town.

Colonel *Lockwood.*

30. As a matter of fact, do any other people besides the military authorities take part in this registration?—Almost invariably; I should say invariably. I think there is not a single case in which the military exclusively act.

31. In what sort of proportion; I suppose the military would be about two or three at the outside?—There are a good many old officers who perhaps reside in the district.

32. Should you say three or four besides the military?—More than that.

32.* Who really come and assist?—Yes.

Captain *Fenwick.*

33. How often do these boards sit?—Whenever it is considered necessary.

34. Once a quarter?—No, not so often as that.

Chairman.

35. Do they keep an official minute book of their meetings?—I really could not tell you; I have seen minute books, and I have seen records, but as a matter of fact you must recollect that we do not wish to have any official control over these associations; all we look to, and what we insist on, is that the registry is there, that it is properly kept, and that the results are satisfactory. How they do it is no matter of ours officially.

Colonel *Lockwood.*

36. May I take it that from 1883 to 1892 these registration depôt associations practically did nothing at all?—In 1884 I think they were started.

37. Then from 1884 down to 1892 really there was no work done at all, was there?—You may say so, practically.

38. Then is it only since 1894 that government work has become the rule?—No, since 1892.

39. Is it only since then government work has become the rule in these associations?—Yes, prior to that date probably the adjutant of the depôt was the only man who knew it existed.

Mr. *Benson.*

40. Do they generally have a paid secretary?—I think only in one—it may be in two cases—is there a paid secretary. I think in Manchester there is a paid secretary, because he is a civilian, and he gives the use of his office. I do not know of any other except the one at the head office in London, but he has nothing to do with us from a military point of view.

Chairman.

41. From the evidence you have given it would appear that the reserve men are in the whole fairly employed, or that is to say a very large proportion of them are?—I think you may say that a very large proportion of all the men who have been transferred to the reserve with good characters are in employment.

42. Do you consider on the whole that the state of things is satisfactory in this respect, or do you see any reason for improving it?—I think they are very satisfactory, except in one respect, and that is I think certain Government appointments ought to be offered to soldiers more than they are; for this reason, that when we apply to some of these larger employers of labour, their reply is: "But your Government is doing nothing; why do they not give them some of the many berths they have vacant?" I can say that the War Office do so, but there are a good many Government appointments for which soldiers are specially suited, which I think ought to be more open to them, especially considering the class of men who are now going into the army. There are large numbers of clerks and shopmen, and sons of small tradesmen, who are now making the army their profession.

43. What

Colonel *Lockwood.*

43. What sort of employment do you speak of when you say the Government might give more than they do?—Messengerships. I think, with the exception of head messengers, they all ought to be open to the Army and Navy. Then there are also writers, who are paid so much an hour.

Chairman.

44. That is to say, the recommendations of the last Committee have been by no means uniformly acted upon, and further, you think that the recommendations now to be made with reference to the improved character of the Army might be much more extensive than they were?—I do.

45. The recommendations of the last Committee practically limited the employment of soldiers to what you may call duties not requiring very much intelligence?—Yes.

46. Whereas now, having in the Army a much better educated class of men, who moreover are very young, and therefore capable of being trained up to office habits, you think therefore their field of employment might be extended, in the direction especially of the subordinate ranks of clerks?—I do. I have some figures here which will show the Committee in the last four years the number of clerks and shopmen who have been enlisted, and it will show that there are plenty of these men available.

47. Will you mention the principal figures?—I have merely taken those in the seven towns where we have recruiting houses: London, Dublin, Liverpool, Edinburgh, Glasgow, Manchester, and Leeds. In those seven places, commencing in 1890, we have enlisted 2,030 clerks and 1,169 shopmen. But besides that there are a considerable number, I should say at least 200 or 300 sons of small tradesmen who have been enlisted, and who will leave the Army in the course of three or four years, as the case may be, according to the dates of their enlistment, so that there is coming on now a class of men who I think are capable of filling almost any Government appointment of the nature to which I have referred, such as writers, clerks, and messengers.

48. One difficulty represented before the last Committee in the way of employing soldiers as clerks was that it would interfere with the competitive system which had been established. That competitive system was established in order to secure that every appointment should be made on the merits of the candidate only, without any regard to patronage, but in the case of soldiers, supposing that they were admitted into the civil service under a very strict test as to character and qualification, could it be said with any reason that that was a matter of patronage; would anyone be personally interested, do you think, in the question of his being employed, or could it not rather be said it was only another carefully guarded avenue for admission into the Civil Service?—I hold a strong opinion on the subject of national obligations towards the reserve soldier on these grounds; first on a purely national and fair ground. The nation requires an army with a reserve. It established, after considerable thought, a short service system, by which men are encouraged to remain only seven years if at home, and eight years if abroad with the colours, and then to be transferred to the Reserve; the nation having the option of calling upon them to resume their service, and rejoin their colours for four or five years respectively. They receive 6*d.* a day while in the Reserve as their retaining fee. These men, when they are 18, 19, or 20 years old, are taken away from their avocations, away from the possibility of their learning thoroughly any trade, the best years of their life are spent in the Army, they are taught to be soldiers, and in teaching them to be soldiers it is quite impossible for them to find time or opportunity to teach them anything else. They are, however, taught discipline, punctuality, and good behaviour. The last returns show that an enormous improvement has been made in the last 10 or 20 years in the character and discipline of these men. I hold it, therefore, to be a national duty to offer these men, who have behaved well in the service and have given their best years to the country, an opportunity of getting back into civil life under conditions which are favourable to their being respectable members of society, instead of being thrown upon the streets, possibly as paupers. It is true that when a man has served his seven or eight years with the colours, he retires to the Reserve with a sum of from 21*l.* to 24*l.* in his pocket; but human nature is human nature, and we cannot expect these men to retain those large sums in their pockets, when they have probably never had at any one time in their pockets any more than 1*l.* Although I am very much opposed to all grandfatherly legislation, still I think that the country does owe them the duty of giving them every possible opportunity of getting employment, and especially Government employment. I do not think that the man looks so much to the pay he gets in the Government employment; but it gives him a status in civil life, and there is a sentiment about it which is quite different from a civil employment. We have started these registries, and fostered them, because we wish the soldier to see that the officer not only cares for him when he is with the colours, but that he cares for him individually after he has left the colours, and does his very best to see that he does not fall into a state of poverty. There is a great deal of sentiment in it, but after all the world is ruled by sentiment, and I hold very much to this as an extremely potent agency for recruiting purposes. You get a better class of men the more you open Government employment to them. They will enlist for the sake of serving the Government even at a small pay and a small rate of pension, in preference to going grinding on in civil life. There are very large numbers of young men who are coming into the service now with a view to bettering themselves.

Chairman—continued.

49. To return to the point I was rather dealing with in my question, could it fairly be said that if you had a system of tests for the soldier under which his efficiency or otherwise for clerical work could be established and regulated, that that

Chairman – continued.

would really be any departure from the competitive system in the sense that it would be a return in any way to private patronage?—It could not be called jobbery, because they would be men selected from a registry in the order in which they came, according to their character and their qualifications for the post, and I do not think it would be open to the reproach of jobbery, as it might possibly have been in old days.

50. In fact, would it not be really a competition amongst the men themselves?—Yes.

51. Have you in the Army the means of ascertaining a man's qualifications in this respect beforehand?—It might be interesting to the Committee to know the educational requirements of warrant officers, non-commissioned officers and men. On the 1st of January 1893, the percentage of those who were in possession of certificates of education was 36 per cent. 36 per cent. of the soldiers in the army were in possession of educational certificates.

52. Do you know what an educational certificate represents in that case?—Our third-class certificate, I believe, compares with the certificate which is required by the Postal Department. We have of these 152·66 per 1,000. Of the second class there are 199·43 per 1,000, which is a very high qualification.

53. Who certifies to these qualifications?—They are certified by the Director General of Military Education through his subordinates.

Mr. *Pickersgill.*

54. Now I further ask what is the inducement to obtain these certificates, why and under what circumstances are they obtained?—Since 1887 there has been no compulsion to attend school. All the education in the Army is voluntary. The school is there, but you do not compel the recruits to attend school, but they do attend, and the figures are very satisfactory.

55. Would these certificates only be obtained by those who attend school?—No; if they could pass the examination necessary.

56. What is the inducement to a man to obtain the educational certificate; does he obtain any advantage by it?—Not any military advantage, except that he cannot become a non-commissioned officer without he has such a certificate.

57. Then is that the inducement?—Yes.

58. You suggested, I think, that Government offices, such as messengerships, should be open to old soldiers; are they not so open now. As a matter of fact, are there not many old soldiers in the position of messengers?—I have here a Return moved for by Major Rasch in August 1893, and I do not think it is a very satisfactory Return. With the exception of the War Office, the British Museum, the Inland Revenue, the Science and Art Department, and the Royal Parks and Gardens, I do not think it is a satisfactory one.

59. At all events, those figures, although they may be low figures, go to show that Government messengerships are not closed to old soldiers?—No; they are not closed.

Mr. *Pickersgill*—continued.

60. And when you recommend that they should be open to old soldiers, do you mean that they should be exclusively reserved for old soldiers?—No, but I should like an absolute proportion given to them, say one in every three, or one in every four, or one in every five.

Mr. *Benson.*

61. Of messengerships?—Of all the things which I have alluded to, writerships and messengerships.

Colonel *Lockwood.*

62. Under a qualifying examination?—Under a qualifying examination.

Mr. *Pickersgill.*

63. Would you suggest that old soldiers should be allowed to become messengers under different conditions from those which apply to civilians, and that the same rules and conditions of entering should be applied to them?—There is no competitive examination for messengerships, it is a qualifying examination.

64. Is there an examination?—There is an examination.

65. Would you suggest that old soldiers should be admitted without going through that examination?—No, certainly not.

66. Then practically you suggest, do you not, that they should fulfil exactly the same conditions as civilians?—Yes; not in the case where there is a competitive examination. I think there should be then a qualifying examination. Put it as high as you like, but let them know what they have to work up to, and they will work up to it.

67. Then, as I understand it, your suggestion is this, there are a certain number of messengerships, and other offices at the present time admission to which is by competitive examination?—Yes.

68. And you would suggest that those offices should be divided into two parts, that a certain percentage should be reserved for civilians under the present conditions, and that the remaining portion should be allocated to old soldiers subject not to a competitive examination but to a qualifying examination only?—Yes, only do not use the words "old soldiers;" say men in the Reserve.

69. I will use any word agreeable to yourself; shall I say reservists?—Yes. My answer to your question is yes.

70. I noticed that for one year you stated that 2,143 reservists, as I understood, were actually employed under the Post Office. I want to ask you whether you would be able now, after making inquiries, to analyse that number, and show what kind of offices they hold under the Post Office?—That was in the year 1892, before the present system was started, and I daresay that they were not well selected, because under the new system there are very stringent conditions as to character during the time in the service, and conduct, and so on, so that they are more careful in the supply of those men. But up to 1892 it was chiefly done

Mr. *Pickersgill*—continued.

done by patronage. Any member of either House, perhaps, brought a little pressure, and recommended a soldier whom he knew, but perhaps did not know anything about his character, and if sufficient pressure was brought, he was appointed as a postman. Many of those men, I am sorry to say, have not proved worthy of the trust entrusted to them, and under the new system no man can be recommended or even registered for Government employment, except under certain very stringent conditions, as to character, which are printed in a portion of the Queen's regulations.

71. I do not know whether you quite follow what I want to get at, and that is the kind of offices which are filled by these reservists in the Post Office?—I have no record of that; I have no means of getting at that.

72. I rather understood you to suggest that old soldiers are at a disadvantage as compared with the great bulk of civilians in getting employment. Do you suggest that a larger percentage of reservists are out of employment than is the percentage of very many of the skilled industries of this country at the present time?—No, I did not do that. I did not say, nor do I mean, that they are at a disadvantage.

73. Perhaps I may put it more definitely. You told us, as I understood, that on the 1st of June 80,737 reservists sent in their life certificates?—Yes.

74. And that of those 73,014 had employment?—Yes.

75. I have worked out the percentage, and I find it comes out in this way, that 90 per cent. of the reservists were stated to be in employment, or, to put it in the other way, 10 per cent. were out of employment?—Yes.

76. Now, I hold here a Government document, the "Labour Gazette," and I would ask you whether you are aware that in very many of the skilled industries of the country, on the 1st of June, which is the date given by yourself, the percentage of persons out of employment was much larger than the percentage of reservists out of employment?—That is quite possible.

77. You may take it from me that that is so?—Quite so.

Viscount *Wolmer.*

78. May I ask in relation to that whether the percentage Mr. Pickersgill refers to does not include the whole of the labour market, *i.e.*, men of every age, which is very large, whereas the reservist statistics apply only to a limited number of a certain age, which is the prime of life?—Yes, between 27 and 28 years of age.

Chairman.

79. I should like to ask you with reference to a remark you made just now as to Government appointments, as messengers and clerks, being open to competition, is it the case that any appointments as messengers are filled up by competition?—I think not.

80. When you expressed a wish that one-third of the appointments of that class should be available to soldiers, how do you suggest the other two thirds should be filled up?—As they are at present I think, by patronage.

Chairman—continued.

81. Why would you leave two-thirds of the appointments to patronage?—I would not leave them at all; I want to get the thin edge of the wedge in to show that soldiers are as good (if not better) as civilians, and to my mind the nation owes a duty to soldiers, and as long as soldiers are ready to fill those appointments, I think they ought to fill them.

82. Then you would rather see the whole of such appointments filled by soldiers, would you?—Yes.

83. Do you not see any objection to that?—Yes.

Captain *Bethell.*

84. Are you confining yourself to soldiers, or do you include marines and sailors?—I include the whole.

Mr. *Brookfield.*

85. When one of the members of the Committee asked you about the percentage of employment being larger, of course you would be prepared to make it larger in consideration that the reservists have given some service to the State which pattern makers and people of that kind have never done?—Undoubtedly.

Colonel *Murray.*

86. Do you think trades unions would object at all to the scheme you have suggested, of reservists being given preference?—If they were to look at the matter from a common sense point of view I do not think they would, because we must have a small army and we ought to have it all the better because it is small. We must have a reserve composed of good men, so as to be more likely to get them when we want them, and keep them respectable people when we do not want them. If we find a difficulty of getting recruits one or two things have to happen in case of war. We either have to give very large bounties or increase the pay, or the most fatal thing of all to my mind, come to conscription.

Viscount *Wolmer.*

87. On the recruiting question you said just now that you advocated this matter from the point of view of recruiting. Will you kindly elucidate that view more fully. Do you take the view that was expressed by Lord Wantage's Committee, that it may in future come to one of two things, either that the pay of the private soldier will have to be increased, which will mean a very large addition to taxation, or that in lieu of that, and at no expense whatever to the taxpayer, the same results may be achieved by the method of finding employment for reserve men, and reserving for them the posts which you have enumerated. Do you identify yourself with that view?—Entirely. I look upon it as the most potent of all our agencies for recruiting, that we can say we do our best to find employment for the men, and succeed when we pass them back into civil life.

Mr. *Woodall.*

88. Has that been found in practice to be the case?—It is improving year by year, and that as officers in charge of these registries become more accustomed to their work and see the good results that come out of it, I have no doubt that we shall see that kind of thing very much improved. In fact, I do already see a great improvement.

89. You see a distinct improvement in the class of recruits since this process of finding employment has been put in force, do you?—In my inspections of all the depôts I invariably inquire especially as to the characters from the officers, and not content with that, I go to the canteens, and inquire from the men in charge of the canteens, and I find universally that there is a very, very considerable diminution in the number of recruits who go to the canteens. They go to the coffee bar and the recreation room where alcoholic drinks are not allowed, and I have had several letters from officers commanding regiments, all telling me that the class of recruits is very much better.

90. Making full allowances for the better influences that are at work in camp, do you think that you may claim that you have obtained a better class of recruits raw into your hands?—I think a better class have come forward for various reasons. That I am quite sure of. The annual returns of conduct will show that year by year. The Committee of course have access to those Parliamentary returns.

Viscount *Wolmer.*

91. I understand you assert two propositions: The first is that the State making itself responsible for the employment of reserve men is inseparably connected with satisfactory recruiting; that is, the recruiting of a better class of men?—I think it has a very great effect upon it, and it will get us, if nothing else, the kind of men we want especially to come forward for non-commissioned officers, and that is the class which is coming in very much more now that they see this question is being agitated. The figures decidedly show that.

92. And that the same result can be achieved through this method at no expense to the taxpayer as can be achieved by the addition of perhaps 2,000,000*l.* to the Estimates in the way of pay?—Yes. I do not believe that anything under an extra 1*s.* a day pay would have a material effect on the numbers coming forward for the Army. I think this scheme would have more effect than anything else.

93. And from the point of view of the taxpayer, all other considerations apart, it would be a great saving of money, you think?—I do.

94. There is one other question I want to ask you. It has been stated, I think, in this House by gentlemen who interested themselves in this matter, that a soldier when once discharged, and the State having kept its bargain with him, has no greater call on the good offices of the State than any other working man, and that he is in just the same position. Is that your view, or do you think that men through having served in the army have merited not only greater consideration at the hands of the State, but greater consideration at the hands of their fellow working men?—I have already stated that I consider it to be a national duty, apart from the wisdom of it on financial grounds. I think it is a positive duty; you take a man from the chance of learning a trade at an age when he would learn a trade, and you teach him another trade which is no use to him in civil life, for the good of the country, and I think when the country do not want him in that trade they should help him to find employment of as respectable a nature as is possible.

Viscount *Wolmer*—continued.

95. Is it the case that in every country in Europe except this country every man has to serve in the army?—I believe so.

96. And we are the only nation in Europe, are we not, who depend on a voluntary army?—In Europe, yes, and the United States also.

97. Therefore, granted that an army is necessary, the voluntary service of soldiers in this country relieves all the rest of the male population from what is one of the ordinary incidents of citizenship in other countries?—Certainly.

98. And if we did not have a voluntary army we should have to have conscription, should we not. Granted the necessity of an army, and the failure of volunteers, it follows that conscription would be necessary, does it not?—I can see no other alternative.

99. Therefore, is it accurate to say that these men who have served in the army take upon their shoulders the burden which is, as I have already said, one of the ordinary incidents of citizenship of every man in every other country in Europe?—Yes.

100. And therefore, in your opinion, do they by that earn a special claim to consideration at the hands of the other men whom they relieve from this duty?—Certainly.

101. And through them at the hands of the State?—Certainly.

Mr. *Wilson.*

102. Apart from the necessity of a standing army, in what is the service of the soldier superior to that of a man who works in a mine or a factory or a forge and qualifies himself and holds the certificates; and why should the soldier have a superior claim to the civilian if the services are on a par?—But the services are not on a par. One risks his life; instead of your being called upon to risk your life by going to unhealthy climates, by fighting the Queen's enemies, by preserving peace at home, and for a very small wage; the other man lives at home quietly, marries comfortably and earns his livelihood in the usual way. The conditions of life are totally different.

103. These are a lot of beautiful pictures which you have sketched out, but would you say that a man, who lost his life in the last explosion in the mine in South Wales, had not risked his life for the welfare of the country?—He has risked it for himself.

104. Has he not risked it for the country?—No.

105. Is it not necessary that the coal should be got for the welfare of this country. I put it to you

Mr. *Wilson*—continued.

you, is it not as necessary for the welfare and industrial progress of this country that men should go into the mines and work in the factories, and are there not more lives lost by a very large percentage in the mines and the forges of this country than in the Army?—My answer to that is, that they do it for the wage that they earn; they do not do it for the country's sake. They do it to earn their livelihood, like the cabmen or the omnibus men or the railwaymen; but it is quite a different thing.

106. I do not want to go round a circle. I have seen a lot of men in Trafalgar-square enlisting recruits. Do you mean to say that those men who enlist those recruits tell them that they will have these advantages before them?—I trust not.

107. Then where does the inducement to join come in?—Because they see other men who have got these appointments.

108. Do you think the young men who join have a full knowledge of such things?—No, I do not.

109. Then where does the inducement come from?—They have heard of it, but they do not know much; a great many of them do not know what pay they are going to have, although it is marked up in large letters.

110. Do you mean to tell me that you think a percentage of the young men who enlist in our Army know all that they are going to get after they have fallen into the reserve list?—I am quite sure they do not.

111. You said that you took men before they had time to learn a trade. Will you tell me what is the average age at which men enlist?—The average age I should say usual in the Regular Army has been raised within the last two years to about 19.

112. Does a man serve his time to any trade after he is 19?—I am afraid you must answer that; I cannot tell you; I do not know it.

113. But you have repeated two or three times that men are taken away before they have time to serve their time to a trade. Do men serve their time to trades after they are 19 years old, or before?—I think a man gets his chief knowledge as a workman after he is 18 or 19; you cannot call any man at 18 or 19 a finished workman; or I should not think so.

114. I think I heard you say, in giving figures, that a very large proportion of those who enlisted were shop-keepers?—No, not a large portion; 2,030 clerks and 1,169 shopmen.

115. Is that for one year?—No, for four and a-half years.

116. Would those men be qualified shopmen and clerks at 19 years of age?—I should say as a rule the clerks and shopmen are decidedly older. They do not come to us as a rule until they are 22, 23 or 24.

117. Did I understand you to say, looking at the important service which the soldiers and marines render, you think that a certain number of the various offices you have mentioned should be set apart for them without any competition from civilians, and that they should be open only to those who have served in the Service?—Yes.

Viscount *Wolmer.*

118. Mr. Wilson has called your attention to the great risks that miners and other workingmen run in what we must all admit is a work of the highest possible national importance, but is it not true to say that in addition to the ordinary risks run by the average working man in his work, for seven or eight years of his life the soldier takes on him totally different and increased risks, and in that way earns a title to consideration which the other working man who does not, for the seven best years of his life, undertake those risks does not earn?—I do not think you can compare the two at all. The risks are not to be compared in any sort of way.

119. I do not want to compare the risks, but is it not the fact that for the rest of his life the soldier has exactly the same risks as any other working man, but for seven years he has quite special risks, and undertakes a special class of work of which the nation, and the nation in its corporate capacity alone, has the benefit?—Certainly, for five or six years he has.

120. And the climatic risk run in India is a very serious one, is it not?—We know that. If you look at Chelsea Hospital you may see the large numbers of men who come up every board day with claims for pension on account of disease acquired in India.

Mr. *Wilson.*

121. Can you give us the percentage of men that die in India in the Army?—You can get that from the medical report.

122. Because then we might get the percentage of men who are killed in works in the country and compare with it?—The percentage would be a very misleading one, because in one year there are many mine accidents and in another year there are very few; in the same way there are heavy wars where the loss is very heavy, and then there may be a long period of peace.

Colonel *Murray.*

123. Is it not the case that soldiers earn very small wages compared with workmen in mines and in civil life, and that they have little or no opportunity of laying by money during their service for the future in case they should be married, or for their old age?—That is a very difficult question to answer, because I cannot generalise.

124. May I ask this question. In your report of 1892, on the recruiting for the Army, you will remember, probably, you stated that recruits constantly enlisted from the poor town classes, and have to be kept by the State for a considerable time and fed and developed before they can take their places in the line?—Yes.

125. And as an alternative to that, and to get a better class, it would be a great advantage to ensure permanent and good employment at the end of 12 years' service, as in Germany, or after six years' service?—Yes, I do hold that.

126. Do you consider that if a chance of this permanent and good employment is ensured to the soldier after his service, whatever it may be,

Colonel *Murray*—continued.

the State would be saved a certain amount of the large sum which must be expended in keeping the young recruit before he is able to take his place in the line, do you get a better class and an older and more fully developed class of recruit?—I think you would to a certain extent. But I should be very sorry to say it would increase the proportion very much, but it would decidedly improve matters.

127. And would it decrease the expense to a certain extent to the State?—Yes, but I do not look to any likelihood of the State being able to provide work for all the men. I think that well-organised associations encouraged by the Government as they are, and with the good example shown to them by the Government, themselves employing a certain number of people, they would finally employ almost all the soldiers who had been transferred to the reserve with good characters. One of the objects is to give an inducement to the men to behave well while they are in the service, so that they may then have a claim on the country to employ them when they go into civil life.

128. Do you consider that would bring a better class of recruit?—Yes and it is more economical; a good soldier does more work.

129. There is one question I should like to ask with regard to examinations. The Committee of 1877 recommended with reference to civil appointments that under competitions for which soldiers and sailors are deemed to be eligible, more care should be taken so to adjust the conditions of examination as to give fair weight to those branches of knowledge in which their training has especially enabled them to make progress. Is it within your knowledge that soldiers and sailors have been prevented from taking any of these civil appointments in consequence of their not being up to the standard of the civilian at all times?—You will get that from the Civil Service Commission. I have no knowledge of it.

Colonel *Lockwood.*

130. Has your attention been drawn to the statement that was made during the discussion on the Army Estimates; the Director of Education stated that hardly one man in nine or ten could read or write properly, and that a contractor who in 1890 asked for labourers for the Ship Canal mentioned that only five out of 20 could read and write. In some cases the proportion was only one in 20, and that in another case a score of men were wanted for a railway goods department in London, and the conditions were that they must write and add up a few figures, but that 20 men could not be found, although they were quite capable of doing the work required?—What year was that in?

131. This was said on the 6th July this year?—All I can say is that on the 1st January 1892 there were 371 per thousand men who were recorded as having superior education.

Mr. *Woodall.*

132. Do you mean on enlistment or discharge?—I mean serving in the Army. On the 1st

Mr. *Woodall*—continued.

January 1893 there were 364 per thousand. Perhaps the men you refer to were men who had been enlisted many years before. I will take some figures at haphazard. On the 1st January 1884 there were then in the Army 5,375 men who could neither read nor write. On the 1st January 1889, five years afterwards, that number was 3,814, though the numbers in the Army were considerably increased; so that you see there has been a distinct and decided improvement.

Captain *Fenwick.*

133. Do you think that the present method of giving characters to soldiers on their going to the reserve is a good one for enabling them to get civil employment. It has occurred to me several times that I have known men on the strength of the formal character, that is to say, that they have a clean defaulter's sheet and have not been found out in anything, get a good job on a railway, and then it has been found out that they have not a good character; and the railway company saying afterwards, "You come to us as a soldier with an excellent character and we see what you are, and we certainly cannot take any other soldier." The character a soldier gets is rather a character of a negative sort, is it not, when he is discharged?—I will send you the present form of registration which gives a character beyond the parchment. If a man comes for registry, and for six years has not had a case of drunkenness recorded against him, but gets drunk after he has got beyond the reach of discipline, I think it is hardly fair to say heh as got drunk whilst in the service, but was found out.

134. But is it not the fact that the character given by a commanding officer to a man when he leaves is based absolutely and entirely upon his entries in the defaulter's sheets?—It is so.

135. And yet the commanding officer may know when a man is a very bad character, may he not?—No, excuse me, it is also on the parole testimony of the officer commanding his company.

136. But is not the officer commanding his company obliged to go by the report sheet?—No, and I may tell you that at head-quarters whenever a case such as that which you refer to is found to occur, very serious notice is taken of it, and I am sure that people are very much more careful now in giving characters to soldiers than they ever have been.

137. Since when, since the last five years?—I think so.

Mr. *Woodall.*

138. You have told the Committee that the young soldier is recruited between the ages of 18 and 20?—Between the ages of 18 and 25, really.

139. Is the average now something like 19 years?—I think it is 19 years.

140. You have given us some statement that within a certain term of years 2,030 clerks and 1,169 shopmen enlisted, have you not?—Yes.

141. Have you a general analysis of the whole number

Mr. *Woodall*—continued.

number enlisted showing their previous occupations?—Yes, it does exist. I have not it in my office, but it exists in each particular district.

142. Are you able to inform the Committee as to what is the general nature of the industrial training through which recruits have passed?—I should say the unskilled labourer is the largest number.

143. That is to say, that they are men who have not gone though the discipline of learning a trade or anything in the nature of apprenticeship?—No.

144. And physically is there great room for their improvement also when they present themselves?—Yes.

145. Then do they come to you in an undeveloped condition, industrially, intellectually, and physically?—Yes.

146. Are they under military training for seven years with the colours?—Seven or eight years, as the case may be.

147. What is the course of the young soldier when in service with the colours which is directly calculated to fit him for the civil life to which he is to return. We may take it, of course, that his physical condition immediately shows signs of improvement, does it not?—That comes with age and good feeding, general exercise, and regular hours.

148. Can you say that you teach them discipline, and that they acquire habits of punctuality?—Yes.

149. And they learn good behaviour, which I suppose, to many of them, would be a comparatively new experience?—Yes.

150. In various ways, do you claim that you fit the young soldier in a special degree to be a good citizen on his return to civil life?—Yes, a good citizen, but not naturally a good workman.

151. How far do you think does his regimental experience qualify a man for handiness for an ordinary occupation to which he is likely to return?—Do you mean in trade?

152. Yes, trade and unskilled occupations such as he is likely to offer himself for?—I do not quite understand you. Do you mean as a spade labourer?

153. Perhaps I had better ask you to distinguish between what we may call the industrial training in the different branches of the service. I suppose we may take it that an engineer returning to civil life is a man very likely to obtain skilled employment of some kind or other, may we not?—Yes, practically speaking he has no difficulty.

154. And a gunner?—If he has been a garrison gunner he has no special qualifications; if he has been in the field artillery or horse artillery he is very likely to get employment with horses.

155. But there are a number of men, are there not, who are actually trained for handicrafts and trades during their period of service?—No; we give them no training. In India there are a few workshops, but I think you might really almost ignore those numbers.

156. But do you not know that there are training shops at Woolwich where men are instructed for actual regimental service?—There is a small percentage of artillerymen who go through the shops at Woolwich, but that is a very small proportion.

157. But are there not men trained to become capable of doing repairs to metal work, tin work, and saddlery, and so on?—I think those are chiefly men belonging to the Army Service Corps, but they come in already as people who have some training in that way. They are not allowed in without trade certificates.

158. But they pass through a distinct and definite technical training, do they not?—They pass through an examination when they first come to see whether they are up to the trade certificates, and if they are not up to the trade certificate they are discharged.

159. Then may we assume that in a most important degree among the engineers, and in a less degree among the gunners, men go through an amount of practical work while in the service which renders them very handy men, likely to obtain employment without trouble afterwards?—Yes, but you must recollect that every engineer who comes in has to have certain trade qualifications. He begins in the service with some education, and he continues that education while he is in the army.

160. But would there not be this distinction arising out of his experience as a soldier, that whereas a young man who might have been a potter or a miner, or a carpenter, and who enlists in the line is very likely to forget his trade, the man who works as an engineer or as a gunner is likely to retain and even improve his knowledge?—Yes.

161. Would you tell the Committee what would be the experience of a man in a cavalry regiment. Would he learn anything in his experience there that would render him likely to be sought after as a groom or a coachman, or a man valuable where horses are kept?—They are good as helpers, but unless they have been officers' servants for some time they are of very little use.

162. Are they, as a matter of fact, sought after in after life. Is it a recommendation to them when they seek employment that they have had experience among horses in the stable?—Yes; in fact we have less difficulty in finding employment for men who have been in the mounted services than we have for the ordinary infantry soldiers; but you see the numbers of the former are small. The cavalry of the line numbers only 18,000 men in round numbers, and the Royal Engineers only 7,400. The artillery is certainly more numerous, but after all they form a small proportion of the numbers of men we are dealing with.

163. Then, coming to the ordinary line regiments, is there anything in the nature of industrial training to which men are put there?—Here and there they are.

164. Of what kind is it?—They have regimental shops in some stations in India, and they have shops in one or two of the barracks in Aldershot, but there is very little time to use them. The men are such a short time in the service, and are put through so many instruc-

Mr. *Woodall*—continued.

tional courses, that they have no time for being instructed in trades.

165. Is there any tendency, do you think, to increase anything in the nature of industrial occupation regimentally?—There is a great wish to do so, but the great difficulty which stands in the way is a financial one. When you are instructing the men you spoil a lot of material, and where is the money to come from, and if you make the things who is to buy them?

166. You gave the Committee some very interesting figures, showing that of the men in the reserve who are called up, 73,000 out of 83,000 declared themselves to be in employment?—Yes.

167. Have you any analysis of the nature of the employment?—No; I issued orders to have that return made out, but I thought it was unwise to ask for too much detail. I thought they would look upon it as too inquisitorial or un-English, and I was afraid even to ask if the employment was permanent or temporary.

168. In the returns given by the National Association, for example, for the six months of 1894 there were 7,738 candidates for employment were there not?—Yes.

169. Of that number within the six months, 1,918 obtained employment. Is there any kind of return showing the nature of the employment which those men found?—I find it impossible to boil it down more than this. As to the Post Office they are employed as postmen, who drive round with delivery orders in their own carts, besides other positions in the Post Office; then there are other Government appointments, and next civilian employment in companies, firms, &c.

170. I am more particularly concerned to ascertain the kind of employment outside Government establishments which they have obtained. There must have been about 1,400 who obtained employment during those six months outside the Post Office, must there not?—1,105 obtained employment with civilian companies, firms, &c.

171. I suppose a certain number of those would obtain work under the arrangement which Mr. Stanhope brought about with the railway companies?—Yes.

172. Are you able to inform the Committee how far those men employed by the railway companies have given satisfaction in their employment?—I have asked for returns, but one cannot press railway companies to give them, neither can it be pressed on the Government departments. They have so much writing to do that one does not like to make it disagreeable to them to employ reservists.

173. Do you think from your own observation that the experience the railway companies have had in the employment of reserve men has encouraged them to seek a larger supply from the same source, or has it discouraged them?—In the case of the Midland Railway Company, whose headquarters are at Derby, I am aware that they are acting most loyally in employing soldiers, and I presume with satisfaction to themselves.

174. Sir Henry Oakley, in acting for the associated railway companies, I suppose may be also said to have taken a warm personal interest in this work, has he not?—I hope so.

Mr. *Woodall*—continued.

175. Have you been able to ascertain from him whether he has felt that the experiment has been successful?—No, I have not.

176. As to the nature of the various occupations which you have been urging on the Committee this morning as being suitable for discharged soldiers, you have spoken about their title to being employed as writers, have you not?—Yes.

177. Am I quite clear, from the answers that you gave, that you think it would be expedient that while the ordinary civilian who applies for employment as a writer has to satisfy the Civil Service Commissioners a certain number of employments should be left free from that qualification available for soldiers?—You have entirely misunderstood me.

178. You distinguish between, as I understand, a competitive examination and a qualifying examination. I take it that by a competitive examination you mean the examination to which the ordinary population have to submit from the Civil Service Commissioners?—Yes.

179. And do you think that the man who has served his country in the army, and who is still available for his service in the reserve, should be exempt from that severe competitive examination?—From the competitive examination, yes; make the qualifying examination as searching or as severe as you like; but let them know what it is to be, so that they may work up to it. They have not the same facilities for educating themselves while soldiers as the civilian has, but when they come near to the time of their discharge arrangements with the Educational Department have been made so that those men who are seeking employment in civil life should have facilities granted them, as far as the station will admit of it, to obtain that education which will enable them to go before the Civil Service Commissioners with better chance of success than otherwise they would have.

180. Do you claim that the conditions of their appointment as writers in the public offices should be made easier of access than would be the case with the ordinary population?—Yes; while at the same time the country should get an equally good man.

181. An equally good man, although he will not be of the same intellectual calibre, or have gone through the same process of educational preparedness?—I do not go so far as that. I say make your examination whatever you like, make it a searching examination for the appointment which he is to have, make the soldier go through that, but do not let it be competitive.

182. I am not quite sure that I see where you draw the line. Under a system of competitive examination the man who obtains the highest of marks in those examinations naturally is preferred, is he not?—Do you mean naturally preferred by the educational people?

183. By those who have to employ him?—No, that I do not grant, because you have no proof of his obedience, his powers of discipline, his powers of punctuality, and so forth, whereas in the soldier all that is to the good.

184. Then do you say that these great virtues which

Mr. *Woodall*—continued.

which he has acquired by his military training and experience ought to be calculated as a set off against certain intellectual and educational deficiencies?—You ask me to accept from you that which I cannot, that is, that a competitive examination is necessarily a proof of a man's intellectual superiority.

185. I do not want to raise the general question of the value of examinations, but what I want to arrive at is as near as possible what would be the particular process by which the soldier going into competition with the ordinary civilian would find his way to employment in a particular class of work. You say you would set up for him a qualifying examination, but as against the competitive disadvantage to which he might be put, you would set off, as I understand you, the virtues of discipline and the good habits which he has formed as a soldier?—Yes. I presume that competitive examination was to a great degree started to avoid the jobbery which was supposed to exist.

186. I rather think that Mr. Pickersgill's position was that out of the number of writers for whom employment could be found, a certain proportion of places should be preserved to be filled by soldiers, bringing with them these special qualifications?—I should like it to be tried.

Mr. *Pickersgill.*

187. It is not competition that you object to, is it; it is the particular competition, the competition of civilians. You would not object to competition by the reservists among themselves, would you. You have a certain number of positions vacant, have you not?—Yes.

188. And you have a very much larger number of reservists who would like to have those positions. How would you select from the reservists themselves the people who are to have the positions—would you object to competition among the reservists themselves?—I should, in the first instance, employ those who had the very best characters and whose antecedents led me to believe would make the best clerks.

189. Then you would not approve of a system of competition amongst reservists as a mode of selection, would you?—I do not think you would get such good men as by selection made by a responsible officer.

Chairman.

190. If you make character one of the elements of the competition, then your objection disappears, does it not?—Yes.

Mr. *Woodall.*

191. It is quite clear that you have chosen one of the most difficult kinds of employment for which a discharged soldier could compete. With regard to his qualifications for employment as messenger in a public office, the difficulties we have been referring to would not present themselves I understand, would they?—No.

192. Would you say that the habits of discipline, punctuality, and order which he has acquired in military service would all be high qualifications for his employment in the work of a messenger?—Yes.

Mr. *Woodall*—continued.

193. Are you able to inform the Committee how far the men who have been chosen on that account for employment have justified their selection. Have they given satisfaction. Do you know any public office where they have been employed?—I am afraid I can only speak from hearsay, and anything I could say would be very unreliable. I have heard no complaints as a rule. I have heard one or two complaints.

194. Are you able to say what are the drawbacks as to a reservist when he comes into employment of that kind?—I think possibly when the bonds of discipline have been relaxed by his passing into civil life, there might be a tendency to be not quite so strict in the performance of his duties, but when a man has been for seven or eight years under discipline he is always a soldier in spirit and in heart.

195. Does it sometimes happen when, within your knowledge, habitual discipline to which he has been subject for a term of years has been relaxed, and the man finds himself free from those restraints that he bounds to the other side, as it were?—I should say that the exceptions are so very rare that they are hardly worth while taking into consideration.

196. And the habit of discipline, once formed, is retained beneficially and profitably, is it?—Yes, I think so.

197. Are you able to tell us anything like what is the proportion of these men seeking employment who have to look for nothing better than to work as unskilled labourers?—No, I have no means of getting at that.

198. Would you say it was a large proportion?—I should be very sorry to commit myself; I should think judging from their antecedents there is a very large proportion.

Chairman.

199. Would not the returns show it?—As regards registration it would, but that is merely as to the number of men who have passed into the reserve; although everybody is recommended to register himself somewhere, a great many of them do not do it.

Mr. *Woodall.*

200. I think you have taken such a large interest in the National Association for the Employment of reserve soldiers, that perhaps it is hardly fair to press you for an analysis of the return. I see we have figures as to men employed in different parts of the country from the 1st of April 1893 to the 1st of March 1894, and out of 10,394 men registered employment has been found for 4,442?—Yes.

201. Do you suppose we should be able to obtain from any of those representing the society an analysis of what was the nature of the employment?—I think possibly, but I do not think it would be very reliable, because really a man says he is fit for this, that, and the other thing which really he is not fit for.

202. I want to ask you if there any, and if so, what

Mr. *Woodall*—continued.

what is the nature of the difficulties that a labourer, skilled or unskilled, finds in his competition with the ordinary population for which trades unions would be responsible?—I am afraid I could not answer that question.

203. Do you think that the unskilled soldier who can only hope to find employment as a labourer in the open competitive market, is worth as much after his seven or eight years' service as a soldier, as the man who has been employed uninterruptedly at labour all through that same time?—No; and it is for that very reason that I think the Government ought to help him.

204. In the ordinary competitions of industrial life, the old soldier finds himself handicapped by the nature of the service through which he has gone, does he?—Yes.

205. Then he, of course, would be glad to take employment at a lower rate of wages probably than that which prevails at the market value of work of the kind?—I am afraid my experience is that they ask a great deal too high wages; they are never content with what you offer them, and I think Sir John Adye will give you the same evidence; they put a high value upon their labour, a much higher value really than it is worth.

206. After all, whatever value a man may put upon his own labour, he has to find his level when he comes to seek employment in the market, has he not?—Yes.

207. What I should like to get at is whether you have heard of any difficulty experienced, arising from the fact that the particular value of the services of a reservist would only be assessed at a figure below that which the Trades Unions have determined the minimum rate of wages which should be given?—I have no information of any value on the subject at all.

208. Would you be surprised to learn that sometimes a soldier finds employment congenial, and, so far as he is concerned, satisfactory at a lower rate of wages than that prevailing, and that objection is taken to his being employed at those low wages, because it is said to have the effect of bringing down the market rate at which the ordinary population is employed?—I am afraid that is a question on which I have no knowledge at all. I have not turned my attention to the question.

Mr. *Benson.*

209. You told the Committee that the state of recruiting, and the number and quality of recruits was improving, but do you regard it as satisfactory; are you thoroughly well satisfied with the quality of recruits which you get now?—Yes, I am.

210. Then you do not represent to us as a matter of very urgent importance that steps should be taken to attract a better class of men to the army, do you?—I do for this particular work, because I want to attract still more the class of men whom we want for the purpose of making non-commissioned officers. Since the Education Act of 1870, the recruits

Mr. *Benson*—continued.

that we get have more or less education and they fancy that they know a great deal more than they really do, often, and it leads to breaches of discipline if they find that the non-commissioned officers are not higher in the educational scale than they are themselves; therefore the better class we can get our non-commissioned officers from, the fewer acts of indiscipline shall we have.

211. You gave just now the number of men leaving the colours in the course of a year as from 14,000 to 17,000. Can you tell the Committee what proportion of those are non-commissioned officers roughly?—I can let you have that if you wish it.

212. They leave at many different ages, but I suppose the majority would be about 26 or under, would they not?—Are you speaking of sergeants?

213. I am speaking of the total number. I suppose the great majority would be about 26 or 27 years old, would they not?—Twenty-seven or 28; latterly rather older.

214. Is there a certain proportion who have had 12 years' service, and a certain proportion with 21 years' service?—I am not talking of the 12 years' or the 21 years' service; I am merely talking of the reservists; the reservists are the people I am most anxious about, and I think the nation has a duty to provide for them.

Viscount *Wolmer.*

215. Are these figures of 14,000 and 17,000 exclusive of those who are discharged with 12 or 21 years' service;—Yes.

Mr. *Benson.*

216. With regard to finding employment for these men, is the want that you feel the want of ordinary employment for the average man of not more than common capacity, or the want of openings for the superior class of men, such as non-commissioned officers may be?—Yes. I want Government employment for the best men we can find.

217. So that it is not so much that the average private leaving the army is apt to be out of work, as that there is a want of opening for the superior class of men; is that so?—It is to act as an attraction to the better class of men to go into the Service. If you like to have the ages of the men belonging to the Army Reserve, I have them here from 1875 to 1893.

218. I was asking these questions for this reason. I saw a suggestion made lately that the Government should guarantee employment to the men who left after 21 years' service, and that it should reserve a certain proportion of a certain class of posts in the Civil Service for non-commissioned officers?—I do not go with that. I should be glad to see it, but I would not see it at the cost of employment of the reservists. One thing would be advantageous, but the other I look upon as an absolute duty, and a wise thing to do.

219. The National Association has made enormous progress, as I gather from their report during the few years of its existence?—Yes.

220. I see

Mr. *Benson*—continued.

220. I see that the number of men that they find employment for has about doubled itself, if you compare the last two years in the Report, has it not?—Yes; but you must recollect those last two years include all those for whom employment has been found through the activity of these newly-constituted Regimental District Associations, which did not exist previously.

221. So that the number of men for whom, in one way or another, employment was found, was greater in the earlier years than would appear from these figures, was it?—No.

222. But still you would think, on the whole, there had been an advance owing to the greater activity, would you?—Yes, no doubt.

223. The progress of this society which finds employment for the men with railway companies, and with other private employers, does not settle the matter, I understand, in your mind?—No.

224. Do you find that it makes a difference to the way in which recruits are got. Can you trace at all any benefit to recruiting resulting from this?—I hope it is so, but I should be sorry to say absolutely it is so. When it becomes thoroughly known that these associations are so active the objections of parents to their sons enlisting as soldiers will probably disappear; because if they find that they cannot find employment in civil life, they can, by going into the Army, find good employment after seven or eight years' service in it, the natural conclusion would be that their objections to their sons going into the Army would disappear.

225. In the report of a lecture I have here given at Aldershot upon this question, there are several suggestions made which I should like to ask your opinion upon. One is this, that there are a considerable number of regimental duties which are now confined to a small class of men, but which might be better distributed, so that all men, as far as possible, would get their turn of them, which would give them a training which might be useful to them afterwards, and reference is made chiefly to the appointment of orderlies in the Quarter Master's Office; it is generally stated that there are a number of regimental duties which would be useful to a man going into trade, or business, or employment afterwards, of which only a few men now get the benefit, and which might be distributed more; do you know whether that is so?—Distributed in what way?

226. So that a larger number of the men, in turn, should perform these duties?—I think it would be a very dangerous thing to interfere with the interior economy, or interior management, of regiments by those who are responsible for them. I think if a quartermaster had a good orderly in the Quartermaster's Office, I do not think it would be a wise thing to tell him that he ought to have him changed in order to give another man a turn.

227. Another suggestion made is that on enlistment a character should be required from a previous employer; has that ever been considered?—It was done to a very great extent all last year and this year. In some districts it has been an absolute *sine qua non* that a man who

Mr. *Benson*—continued.

came without a character was not taken till he got one.

228. Do you think you will be able to continue that?—I think that might be relaxed to this extent, that when a man shows the slightest symptom in his outward appearance or in his age of being likely to be a man of bad character, say, from the cut of his hair, then that a character should then be required, I think that would be almost sufficient; but in some districts, notably in a large district in East Anglia, they never take a recruit without a character.

229. I have a good many questions to ask you as to the examinations for the various positions in the Civil Service. May I take it, with regard to those that are competitive, and I believe the examination for a writer for the Civil Service is a competitive examination, is not the real difficulty that an older man who has been away from school for a number of years is always at a disadvantage in a competitive examination with a younger man, and that a man leaving the Army at the age of 26 would be at a hopeless disadvantage against a pupil teacher or a man of that class?—Undoubtedly. In many cases it is a question of nerves; whereas, a man would face an enemy with great equanimity, he would not face an examination; he would lose his nerve at an examination.

230. And do you say that the only way of getting over that would be to reserve a certain number of this class of appointments?—I should be content to get the thin end of the wedge in by trying for a proportion of them.

231. By reserving a proportion of them; is that it?—Yes; that every third or fourth appointment should be absolutely reserved for one of the services.

232. Then there are a certain number of appointments again, in the Civil Service, which are given by nomination, subject to a qualifying examination, not a competitive examination, such as messengerships, are there not?—Yes.

233. Do you think reservists, as a rule, find a difficulty, or are at any disadvantage in passing those qualifying examinations. I suppose they are fairly simple, are they not?—I would not let them have it unless they did pass. I do not think you ought to force Goverement to take a worse man because he is a soldier.

234. A suggestion has been made that the Civil Service Commissioners should be got to take the education certificates given in the Army as the equivalent for certain qualifying examinations; what do you say as to that?—An arrangement has been made with the Civil Service Commissioners as regards certain places in the Post Office that our military certificates of education are to be accepted as equivalent to certain civil certificates of education.

235. Is that for the position of a rural postman?—Yes.

236. I understand that as far back as 1872 the Post Office determined to reserve rural postmanships for soldiers; I gathered that from the evidence given before the Committee of 1876, is that so?—The first record I have of it is in December 1886.

 237. But

Mr. *Benson*—continued.

237. But the evidence given by the Secretary of the Post Office, as long ago as 1876, at Question 1578 in the first volume of the Report is this: "Is it not the case that some four years ago the Government decided that vacancies for messengers' places in the country should be reported by the Post Office to the War Department in order to be offered to the Army?—(*A.*) That is so." I think it appears from a further answer that that means that they were reserved for duly qualified soldiers, or that preference was given to reservists. I conclude from what you say that that arrangement has since been dropped and revived again?—I cannot tell you anything about that. You will get better evidence as to that from a witness who will follow me.

238. In the posters which one sees stuck up in the post offices and other places, one sees in large letters at the bottom "civil employment on leaving the Army," or "civil employment on discharge, or transfer to the reserve." Do you know to what I refer?—Yes.

239. Does it not occur to you that a rather illiterate man might be misled by that, and might have a vague idea that the State would guarantee him civil employment afterwards?—I think if he can read those words which you have quoted he can read what follows, which is explanatory, that it can be obtained, and it goes on to tell him the places where he can register his name and so forth. We have been most particular with regard to those posters, and I do not think there is anything misleading on them.

240. I did not mean to allege myself that it was so, but I had heard that complaint made about them?—It was so no doubt, but I think now they are all substantially accurate.

Captain *Bethell.*

241. In your connection with the voluntary associations that endeavour to get employment for soldiers, marines, and sailors, I should like to ask if you know anything about the employment of marines and sailors?—No.

242. Has it been brought before you, in what sort of proportion they get employment?—No, I have confined my attention entirely to soldiers.

243. Even in considering the question of soldiers and getting all the information you can about the employment of soldiers, has it come perfunctorily before you whether some of the appointments you would otherwise have expected, have been obtained by marines and sailors?—None, except in this Report and the House of Commons Return, No. 360.

Chairman.

244. There is only one point I wish you to clear up. With reference to the answer you gave to the honourable member for Mid-Durham, may I take it for granted that the reserve soldier does not enter into competition with the skilled artizan, as a matter of fact?—Only so far as the engineers and so on go, but the mass by no means do.

245. To make it quite plain to the Committee, in the present day, the soldier has practically no option has he, about remaining in the service or leaving it. A man comes back to this country to find employment, not necessarily from his own choice but because the regulations require him to go to the reserve whether he likes it or not, is not that so?—Not quite so, as regards the reservists, but the State considered it to the interest of the State that that soldier should go to the reserve, and therefore has instituted a system of deferred pay so as to bribe him as it were to go. It is so necessary that he should go in the reserve that they keep back from his pay a large sum and say you shall have that when you have served seven or eight years, or when you go to the Reserve.

246. But practically a man would not be allowed to re-engage for 21 years; the whole Army would not be allowed to re-engage for 21 years, would they?—If a man is of good character and recommended there is really nothing against it.

247. He cannot claim to re-engage can he?—He cannot claim to re-engage unless he is a non-commissioned officer, but it would be very hard and very difficult to refuse it to men who had clean defaulter's sheets and very good characters.

248. Supposing the whole of the Army declined to go, you would then have to insist on their going to the reserve, would you not?—Yes.

249. Then the soldier's return to civil life is not from his own desire, but a part of the system, is it not?—Yes, it is a scheme of the State.

Mr. *Austin.*

250. I gather it is the reservist whom you are most interested in when they fail to get employment?—It is the reservist I particularly want to claim that the Government should do something for.

251. Could you explain what aversion, if there is any aversion, there is among private employers to the employment of reservists?—I do not think there is any objection; I know of none.

252. Have any of the large railway companies any objection to the employment of these men?—I think they are very well satisfied; they continue to apply for these men. The Great Western Company is very particular; they will not receive any man who has got a single entry for drunkenness during the whole of his service.

253. Do you think there are any substantial grounds for saying a large percentage of the reservists fail in getting employment in civil life?—I think the figures I gave the Committee to day show only 10 per cent. have failed to get employment.

254. Considering the condition of trade very often that would not be anything very extraordinary, would it. Would it not show a good indication that at present they can succeed?—I think so.

255. What class do you think fail most in getting employment from the Service?—The man who was an unskilled labourer before he entered the Service, who had not time before he entered the Service to learn a trade, and no opportunity since he had been in the Service of learning a trade.

256. And

Mr. *Austin*—continued.

256. And of course he becomes an incubus on the labour market, does he not?—Of course he is one more added to the unemployed.

257. And, if necessary, will he work for a lower wage than the ordinary persons of civil life?—My experience of him is that he will not work for a lower wage until he is absolutely obliged to, in the same way as everybody else. You must recollect that most of these men as a rule come from India in the winter months; you cannot help it, as it is the only healthy time when you can transfer men from India to England; they get here in the winter months, which is the very worst time to find employment for them.

258. Have you made any suggestion for coping with those reservists who fail in getting employment?—No, I have made no suggestion at all, because it remains to be proved whether the men who were out of employment on the 30th of June, when this return was made, were out of employment through their own fault, because they had not good characters when they went to the reserve, or had not good characters since they went to the reserve. We have nothing to tell as to the condition of character; we only know the fact that there were 7,700 who report themselves as being out of employment on the 30th June.

259. Do you think that the reservist of good character has as good a chance of getting employment as the ordinary citizen?—No; the ordinary citizen has been more or less in employment during the seven years that the other man has been employed as a soldier, and therefore he is an unskilled labourer, and is not skilled in the actual work of a common labourer. The soldier comes at great disadvantage into civil life in that way.

260. But if he has a good character do not you think it will carry great weight when seeking employment, and that it would be a sort of guarantee for him?—Men who have to employ unskilled labour look for more than character. They look to a man who can do a good day's work and who is in training for the particular work he is called upon to do, and you can hardly say that of a soldier when he first comes back to civil life, especially after service in the tropics.

261. I think you stated that positions for postmen should be reserved for that class of men?—A certain proportion should. I have every reason to believe that the postal authorities are very well satisfied with the men who have been sent to them under the new system established in 1892. I think that the numbers in the returns as regards soldiers who have been dismissed or

Mr. *Austin*—continued.

prosecuted for misconduct compare very favourably with civilians.

262. Are these reservists treated in the same manner as regards wages as ordinary citizens?—They find their level. Employers of labour are not likely to give more than people are actually worth.

263. I mean as regards the postal authorities; do they treat them on the same conditions?—Yes, exactly on the same conditions.

264. Among the reservists are there any large proportion competing with the skilled labour market?—No, I should think the proportion is quite insignificant, and not worthy of being considered at all. Considering that the Engineers and the Army Service Corps, and the Medical Staff Corps, and the other departmental corps are very small in number, the number that go to the reserve is really inappreciable.

265. Taking the position of the unemployed from year to year into account, do you think the position of the reservists is any worse than that of the ordinary citizen who is seeking employment?—Only in so far as I have said, that during the seven or eight years that he has been employed as a soldier he has not been employed in such labour and in such work as he would have to perform when he is transferred into civil life. If he has, practically speaking, to begin afresh and learn something which he has never learnt before, *pro tanto*, he is handicapped with the man who has been in civil life all his life.

266. And to cope with that what suggestion would you offer?—It is not to cope with that, but what I do want is that the Government should recognise their responsibility for opening more Government appointments.

Viscount *Wolmer*.

267. The honourable Member has asked you whether it was the fact that some of these reservists seeking employment disturbed the equilibrium of the labour market by taking wages that were under the proper wages of the trade or occupation, and you replied that they did not, but assuming it to be correct, and that the labour market is sometimes disturbed by men who in their great anxiety to get employment take lower than the proper rate of wages, is not that an additional reason why the Government should consider its responsibility on this question of employment and prevent this improper disturbance of the labour market so far as it can?—I think it is only reasonable that it should be so. I think the Government ought to assist a man in finding such work as he can do, and at a fair rate of wages.

Colonel Cox called in; and Examined.

Chairman.

268. WILL you be kind enough to state what is your present position?—I am Assistant Adjutant General for recruiting for the Home District.

269. You are associated with General Feilding, I presume?—I am really under the General Officer commanding the Home District, but I have a great deal to do with General Feilding.

270. Have you heard the evidence which has been given by General Feilding?—I think I have heard nearly the whole of it.

271. Will you kindly make any remarks which occur to you as desirable to amplify what General Feilding has said, and to throw what additional light you think is required on the subject upon which we are now engaged?—The only light I can throw on this inquiry is, I think, as regards employment in the Post Office. As Assistant Adjutant General of the Home District, I have the whole of the recommendation of men for employment in the Post Office in the London District, and I can only speak to that officially.

272. Will you kindly state what you can on the subject. The point I should say is this: Our inquiry branches into two lines, the extent to which the previous recommendations given to departments has been carried out to employ old soldiers, and the extent to which any further measures may be required with a view to the much larger number of men discharged from the army under the new system. So that we have first to consider how far the proposals of 1877 have been acted upon, or how far the result comes short of what was recommended, and then we might pass on to consider whether any amplification of that procedure is desirable, especially with regard to the Post Office?—Do you mean whether there is sufficient employment given to the discharged soldier?

273. Yes, that is whether the spirit of the recommendations of 1877 has been acted upon?—I am hardly aware of the recommendations of 1877.

Viscount *Wolmer.*

274. The recommendation as to the Post Office is—"Letter carriers and rural messengers, although in neither case appointed under open competition, do not stand on exactly the same footing. The former are, for the chief part, promoted from the class of 'boy,' the latter are selected under a system of what is called patronage, that is to say, are generally recommended by Members of Parliament. Your Committee see no reason for interfering in favour of soldiers or sailors with the former class. It appears, however, to them that rural messengerships might be advantageously given to soldiers or sailors only, as long as eligible candidates from the locality offer themselves." That was the recommendation. Perhaps you will explain what is the state of the case as regards the employment in the Post Office?—A very large number of men register their names for employment; it is then my duty to inquire into their army character.

Chairman.

275. Do you keep a register of applicants?—Yes, of reserve men and others.

276. Living within the limits of the district?—Living within the limits of the district.

277. Are you confined to those, or do men write from a distance also?—Men write from a distance, and then I inform them that they must reside in London before they can obtain employment. After inquiring into their characters I send their names into the Post Office; the Post Office authorities in London send me a certain number of vacancies, but they are nearly all or entirely for what they call auxiliary postmen. These men obtain pay at the rate of from 6*s.* to 16*s.* a week according to the locality, and the number of hours they are daily employed. Some men are only employed about two hours a day, and they would get about 6*s.*

278. Does that give them any lien to permanent employment; that is temporary work, is it not?—I believe it is supposed these men will eventually come in what they call the established list.

279. Quite so. Can you say how many or what proportion of these auxiliary postmen obtain places; do you know how many vacancies there are per annum?—I am afraid I do not know the numbers the Post Office have.

280. All you know is how many the Post Office are willing to take?—Yes.

281. Do they give you a specified number?—They send me from time to time a list of the places where there are vacancies with rates of pay and the hours.

282. Do you know whether those are the whole of the vacancies or not?—I know nothing about that.

283. What test are these men put through; do they simply take your certificate of character, or have they a test of their own?—I send in men of certain character according to the regulations which are laid down. For instance, if a man has been twice drunk within the last six years of his service or once drunk within the last three, he is not eligible.

284. You deal with the official register, in fact?—I deal with the official register.

285. And you know nothing specific about the man except his discharge-sheet?—I know nothing about the man except what is on the register.

286. Do you know if they have any test of their own at the Post Office?—Yes, because they sometimes say that further inquiries prove that this man is not eligible, his character is not sufficiently good.

287. Do you know what becomes of them, how many are retained and how many are dismissed; have you any record of that?—Yes; I have a record of the numbers for whom employment has been found during the last 18 months. The number in the register was 2,108, and from the 1st of January 1893, to the 30th of June 1894, 280 out of those did not fulfil the the conditions. That leaves the number of men eligible for employment 1,828. The number of men rejected by the postal authorities is 61.

288. What

Colonel *Lockwood.*

288. What for?—Principally on account of character.

289. Were any physical defects included in that?—Yes, I believe they do make an examination, though there is nothing about that in the regulations, and the men think that a grievance. We tell them that they are eligible, and then they say that they are medically examined, and measured as regards their height, and rejected for that. That is not in the regulations.

290. Does it make a difference if a man is ruptured or is short?—Yes, it does, they say the boxes are so high that men cannot sort the top boxes if they are under 5 feet 4 inches. The number of men offered employment was 758, and the number of men who accepted employment was 527, and the number of men who declined employment was 231. The number of men during that period dismissed by the Post Office for misconduct was 14.

291. During the year and a half?—Yes.

Chairman.

292. But they might not have been out of this particular lot, might they?—I think they were out of that particular lot. I have no record of previous years.

293. But these 14 men might not have belonged to this year and a half, might they; not necessarily?—One or two may have been there before possibly, but I think all the 14 are included in the 527.

Mr. *Pickersgill.*

294. But if they had been there before, would they come under your notice at all?—I have no record of the number of men dismissed in 1892, when the register was opened by my predecessor.

Captain *Bethell.*

295. They would be old soldiers, so that the effect is the same, is it not?—They are ex-soldiers.

Chairman.

296. It appears that the Post Office found employment in this year and a half for 500 men out of 1,828?—Yes.

297. Do you know what became of the remaining men who have not got employment?—No; they may have got employment elsewhere, and some may have been employed by the Post Office, but these are all that the Post Office have returned to me as having been employed.

298. As to the other fields of employment, are you able to give any information to the Committee?—I can give no information as regards other employment. I have written to the railways in London and asked them about men, and I have sent up their names, but in no case have I got employment on the railway for men.

Mr. *Austin.*

299. Does a man communicate with you when he gets employment?—No, they are asked to do it, but very few do really.

Mr. *Austin*—continued.

300. So that you cannot really say whether those outside the return get employment or not?—I cannot.

Chairman.

301. As I understand this information has reached you from the Post Office, has it not?—Yes, the Post Office informed me that 527 have been employed, that is all I know, and that 14 have been dismissed.

Mr. *Pickersgill.*

302. The ordinary conditions of employment as an auxiliary postman I understand is, is it not, that the man shall have some other employment outside the Post Office?—You are quite right.

303. Does that apply to your men or not?—Certainly; and accordingly they have been refusing men because they had not got 18*s.* a week.

304. Then do they apply exactly the same condition to the men registered by you as to an ordinary civilian?—Yes.

305. So that the 527 who accepted employment would have other employment we may take it as a matter of course, would they not?—I presume so. They did not reject them. Lately I have had a good many rejections, saying that the man is rejected because he cannot show that his weekly income is 18*s.* They rejected one man although he informed me that he told them his wife was receiving 10*s.* a week.

Colonel *Lockwood.*

306. They do not aggregate the earnings of the family, but take the earnings of the man himself, do they?—Yes, and all these men have certified that they would be able to obtain further employment.

Captain *Grice-Hutchinson.*

307. Do I understand that before they are employed by the Post Office they have to certify that they have 18*s.* a week besides?—No; 18*s.* in all, including their reserve pay.

Mr. *Benson.*

308. Do all these figures relate to the auxiliary postmen in the London district?—Yes.

Chairman.

309. Do you follow the career of the men at all to find out whether they become regular postmen?—No; there has been scarcely time yet. The men inform me that they hope to become established postmen.

310. I understand you have only taken up the business in a thorough way during the last year and a half?—Yes.

311. You are, I suppose, in communication with the Society for the Employment of Soldiers?—Yes; with the National Association. My numbers are included in their report.

312. General Feilding explained to the Committee that he exercised a general supervision over this particular branch of the work of the regimental districts. Does your office furnish

Chairman—continued.

returns to him?—We send quarterly returns to him of the numbers employed. All districts send quarterly returns to him of the numbers of men employed.

313. Can you suggest to the Committee any other measures which would tend to securing the employment of soldiers passing into the reserve, and sailors?—I think the public offices might themselves communicate with the military authorities stating what vacancies they have, and then soldiers might be selected for employment directly they left the colours.

314. Do you mean for clerkships or subordinate positions?—Any kind of employment which they are fit for.

Colonel *Lockwood.*

315. Who deals with the naval men who come to ask for employment; do they come to you?—They have a branch of their own.

316. They do not come to you, do they?—No, they do not come to me, and I do not take men for the Post Office from the Guards, the Marines, or the Navy. The Guards have their separate association, and they communicate with the Post Office direct.

317. Then as I understand, you only take the cavalry and infantry of the line?—The cavalry, infantry, ordnance store and artillery; everything except the Guards.

Captain *Grice-Hutchinson.*

318. Is this a sort of Government labour bureau for the employment of these reservists; is it recognised by the Government, or is it a voluntary association?—The one I am engaged in I should call an official one.

319. Where are the headquarters?—The headquarters are at my headquarters at St. George's Barracks.

Captain *Bethell.*

320. Are you acting under orders from your superiors in relation to this matter?—Yes, I act under orders from my superiors, according to the "Instructions as to the Civil Employment of Army Reserve Men and Discharged Soldiers," dated 1st June, 1893.

Mr. *Pickersgill.*

321. May I ask how it happens that you are in communication with the Post Office only for vacancies. I gather, if I correctly understand, you only receive notice from the Post Office of vacancies, not from any other Government Department?—I do not receive notice from any other Government Department, but I get appointments for men occasionally. For instance, I got a man made care-keeper in Regent's Park the other day by writing.

322. But the Post Office seems to recognise you to a degree which other Government Departments do not. Is there any reason or explanation as to that?—No, I know of none, except that the Post Office, I think, have promised to employ men more than any other Department.

323. Have you specially applied to the Post Office in a way you have not applied to the other Departments?—I think the War Office has, I have not personally myself.

Mr. *Pickersgill*—continued.

Chairman.

324. Is it not the case that, of the Government Departments, the Post Office is almost the only employer of unskilled labour to a large extent?—I should think that is the reason why the Post Office employ more soldiers than other Departments.

Mr. *Benson.*

325. If I understood General Feilding properly he is mostly anxious that a prospect should be held out of some employment which would be likely to attract into the Army a superior class of men who would be made non-commissioned officers. The position of a rural postman or an auxiliary postman in London is a very poor thing, is it not, and the fact that appointments of this class are reserved for soldiers is not likely to be an inducement to a very superior class of men, is it?—No, you are quite right.

326. It is chiefly for unskilled labour, is it not?—It is unskilled labour, except that it does attract to a certain extent. I have a return here of the ranks of men who have actually applied to me within the last 18 months for employment as auxiliary postmen. I have had four sergeant-majors, one bandmaster, one superintendent clerk, one master gunner, and 12 quartermaster-sergeants.

327. Is that in a year and a half?—In a year and a half. If you take the total of non-commissioned officers, including lance-corporals, I have had about 180 men apply; 180 men out of 527 were non-commissioned officers.

328. It a little surprises me to hear of non-commissioned officers, particularly sergeant-majors and quartermaster-sergeants, applying for a post of that kind. I suppose that is rather a come down for them, is it not?—Yes, but when applicants are of superior ability, I specially note the fact to the Post Office, in hope that they may be put into something better.

Colonel *Lockwood.*

329. Do I understand a quartermaster-sergeant has applied for a place as an auxiliary postman?—Yes, I had 12, who registered for employment.

Viscount *Wolmer.*

330. Is that, do you think, with a view to getting a foothold in the Post Office?—Very likely, and then pushing their way into something better; I should think that. All these men, of course, are of good character, but I think as yet none of them have selected any of the posts on my list.

Mr. *Austin.*

331. What service had these quartermaster-sergeants?—These men would probably be pensioners.

332. What pensions would they have?—Perhaps from 2*s.* to 3*s.* per day.

Mr. *Pickersgill.*

333. Can you tell me how many men you have on

Mr. *Pickersgill*—continued.

on your register now awaiting employment?—No, I cannot. I could find out very soon.

334. Roughly, how many do you suppose you have on your register waiting employment at this present moment?—I have already given you the figures.

Chairman.

335. Though a good many of these men who have said they wanted employment are on your register, it does not follow they still want employment, does it?—No, the numbers on the register would not show the men who want employment; they remain on my register until they are struck off.

336. What involves the striking off; a man writing to you?—A man telling me he has got employment. Of course they are struck off immediately they are dismissed for misconduct.

Mr. *Austin.*

337. What was the reason that there was such a number declined to accept employment?—The reason is very simple. These auxiliary postmanships, as I told you, are in different parts of London, and the wage is from 6*s.* to 16*s.* per week for a certain number of hours' work. A man comes in and selects one of these places, and he may have to go and live in the locality, he must live in the neighbourhood naturally, then he finds when he gets to this neighbourhood that he cannot get any other work, and he says "Oh, it is no use going in for that," and therefore he rejects it. Then the Post Office are sometimes a long time in informing a man if they will give him the employment or not, and in the meantime he has found other employment; that is the general reason.

338. With the exception of those men whom you get into the Post Office, you have no means of ascertaining whether the others get employment or not; you still retain their names on the register until you have heard from them, do you?—We still retain their names on the register.

339. Although they might be employed?—Although they might be employed. If we do not know it we leave them there.

340. So that, in fact, you cannot say, can you, that that is an exact return showing the number of reservists out of employment?—It is certainly not.

Captain *Fenwick.*

341. I suppose it is very seldom they take the trouble to let you know?—They will not take the trouble.

342. What method do you select, supposing the Post Office authorities write and say they have four vacancies, do you take the first four on the list or do you follow any particular method?—I tried the system of selection, but it did not work, because it took such a long time writing for a man. I therefore do it in this way. Those men who particularly want employment call every day, and they look at the list which is put in the room and say, I should like to have that, and the name goes in, and the man who first calls gets the vacancy. I find that to be the best plan.

Mr. *Austin.*

343. Do you have any application from private employers?—Very few indeed.

Chairman.

344. I suppose that most private employers do not know much about the existence of your agency, do they?—No; they would go to the National Association.

Captain *Grice-Hutchinson.*

345. Do these men who apply seem in distress at all; do they say it is difficult to get work?—They say it is hard to get work.

346. Is it owing to their having been soldiers, do you think. Do you think employers object to take them on those grounds, or is it on account of the general slackness of work?—I should think it is because a soldier is not a skilled labourer, that is one of the principal reasons; of course, his army life does not fit him for the duties of some trades.

347. Then you think it militates against him having been a soldier?—It does militate against him not being used to the work for which he is required, and if he is liable to service as a reservist, that is against him.

Mr. *Pickersgill.*

348. I presume you do not know what proportion of the total number of vacancies in the Post Office are offered to your men?—No, I do not, it will be the whole of the London district nearly, I should think, which is offered to me.

349. Do I understand you to say that all the vacancies are placed at the disposal of your men?—No, of course not, because there are some given to the Foot Guards and Marines.

350. Civilians also are surely appointed to these vacancies, are they not?—Oh, yes; only a small proportion, I should say. I have a good many men write to the Post Office direct, and the Post Office write to me and say, send the character of this man, giving his address. Then I send his character in, and very often that man is not eligible, his character not being sufficiently good for Postal employ.

351. I should think you are thoroughly well satisfied with the amount of employment placed at the disposal of your men from the Post Office, are you not?—Yes, the individual employment is very fair, but the wages are very small.

352. And the number of hours occupied are small, are they not?—Yes, but now they are rejecting men on account of this 18*s.* per week, although the men certify that they would be able to obtain it.

Captain *Grice-Hutchinson.*

353. Do not you ever get an application from the Clothing Department at Pimlico for men; do not they employ reservists there?—They employ reservists there, but they have very few vacancies.

354. I suppose they have a lot of light porters for lifting stores there, have they not?—Yes, I believe they have.

Friday, 20th July 1894.

MEMBERS PRESENT:

Mr. Benson.	Mr. Pickersgill.
Captain Bethell.	Viscount Wolmer.
Captain Fenwick.	Mr. Woodall.
Colonel Lockwood.	

GENERAL SIR GEORGE CHESNEY, IN THE CHAIR.

General Sir JOHN ADYE, called in; and Examined.

Chairman.

355. I BELIEVE you are Chairman of the Association for providing Employment for Discharged Soldiers and Sailors?—Yes, I am.

356. Will you be so kind as to state to the Committee what is the nature of the association and its method of work? — With your permission, I propose to read a very short memorandum, giving the objects of the association: "Memorandum on the employment of soldiers on return to civil life. The term of enlistment for soldiers is now, as a rule, for seven years with the colours and five in reserve. The great majority of the men serve abroad, chiefly in India, and their average age on completion of their actual service is about 26 years. They come back therefore in the prime of life, and as a rule unmarried. These men have done good service to the State, but, having been removed from civil life for some years, may find it in many cases difficult at once to obtain employment, especially as the men returning from India and the distant colonies usually come home in the winter. The number of men who thus leave the Army on the expiration of their military career amounts on an average to between 17,000 or 18,000 per annum. These men for the most part are poor, and many are not skilled workmen. Their parents may be dead, or have emigrated, and they may have no home to go to. A certain number no doubt obtain situations for themselves, but the great majority find it difficult; and under these circumstances it certainly appears that they have claims to consideration on the part, not only of the State, but also of the public and employers of labour. It was with these considerations before them that an association was formed in 1886, having for its object to find situations for the men on return to civil life. It began in a small way, and in the first year employment was only found for 174 men; but each year since its usefulness has increased rapidly, and during 1893 no less than 4,442 men were provided with situations, many of them with good wages." I may

Chairman—continued.

mention that I have a record here up to yesterday, if the Committee would like to look at it, which shows the nature of the employment which we obtain at our office in London, and the wages and the nature of employment day by day. We got 4,442 men situations, but no less than 10,394 were registered as anxious for employment). "The chief office is in London and the association has gradually established agencies in different towns of the United Kingdom, which now number 73. The rules of the association are few and simple. In the first place, no man is registered unless he can produce a good character. His qualifications are also inquired into, and then by advertising and by answering advertisements efforts are made to introduce these men to employers of labour of all kinds. It is important also to bear in mind that no fees are taken either from the men or from the employers" (it is merely a free agency); "the situations found are very various, such as police, foremen, clerks, railway porters, indoor servants, grooms and coachmen, prison warders, tramcar men, attendants at asylums and hospitals, gymnastic instructors, musicians, clerks, and many others. It must be borne in mind that the education of these men is much better than it was in years gone by," as you will find if you look at the Army Annual Return presented to Parliament. "The only department of Government which employs these men in any considerable number is the Post Office. As the association has gradually become known, employers of labour have used it more freely, and we receive many testimonials expressing satisfaction with the men sent to them. It is also important to mention that if any men recommended by the association misconduct themselves, the employers are specially asked to report the nature of the misconduct, and the several cases are inquired into periodically by the committee, and in any serious cases the men's names are struck off the register. The men are sent for in order that they may be heard before a decision is given. Such is the general scope

Chairman—continued.

scope of the work undertaken by the association The expenditure is kept within narrow limits, that of the head office in London is about 500*l.* per annum. The branches are in many cases self-supporting, being maintained by local and regimental subscriptions, and their expenses are small. Some of them receive assistance from the funds of the central office. The Minister for War, recognising that the association is doing good work, and that its efforts are popularising Army service, and facilitating recruiting, has contributed this year 250*l.* towards the general funds. The rest of the funds are raised entirely by voluntary subscriptions from the public, from old officers, and from regiments. As will be seen, the association relies chiefly on employers of labour giving situations to men; but the committee of the association are of opinion that the various departments of the State should also lend their assistance. As has already been stated, at present the Post Office is the only department which does so to any extent. The committee of the association would suggest that the manufacturing departments under the War Office, the various Ordnance depots, the custom houses, the police, and the county councils, &c., should be prepared to give a certain percentage of the situations under their authority to soldiers on their return to civil life."

357. You spoke of the number of branches of your society, which I think you said exceed now 70 in number; are those, may I ask, on an official basis; that is to say, are they connected in any way with the regimental institutions of the country?—Some of the branches are absolutely independent of anybody, and are purely civil branches, established in some cases by gentlemen living in the different towns of the Kingdom, assisted by officers voluntarily. Many of the associations now are also so far official that they are conducted by officers of the Army at the various regimental depots and districts. These officers have voluntarily accepted the offer on our part that they should become branches of this institution. I may say that although they are conducted by officers for the most part, many gentlemen and clergy and merchants of towns form the committee and assist us, and give us donations. Therefore, so far as I am concerned, these regimental associations are all unofficial, and give me once a year the number of men they have found employment for. We ask them to conform to our regulations, otherwise we have no special hold on them.

358. You mentioned, I think, that during the last year about 4,500 men had obtained employment through the agency; that includes, I presume, the central agency and the branch agencies together?—Yes, certainly. I have several copies of our last report. You will find the details of the numbers of men registered for employment, and the number of men for whom we have found employment, at each station and each branch, including London, for the last year.

359. Perhaps you will hand that in?—Yes. (*The same was handed in.*)

Chairman—continued.

360. You are no doubt acquainted with the circumstances attending the previous inquiry into this subject in the year 1876-77?—Yes.

361. And with the recommendations made for the employment of old soldiers by the various departments of the Government?—Yes.

362. Are you at all acquainted with the facts of the case at present as to how far those recommendations have been acted upon?—In my opinion those recommendations amounted to very little. They were simply a sort of wish that men should be employed as messengers, and sometimes as clerks, and so on. It went a very little way, and they talked about the men as old soldiers. What I am anxious to impress upon the Committee is the fact that the men we are dealing with in my association are not old soldiers. There are other institutions which look after old soldiers. Such are excellent men, but they are men of a certain time of life. But our association as a rule provides for men who are only say 26 years of age, nearly all single men. If the Committee would wish to come any morning to the office, which is close to Charing Cross, we could show you many of these men who come every morning asking us to get them employment, and you could judge for yourselves as to their age, and, to some extent, as to their qualifications.

363. Do you exclude pensioners from the scope of your association?—We do not refuse a pensioner if he comes, but as there is a Pensioners' Employment Society within a hundred yards which devotes itself entirely to that class of men, we generally refer the pensioners to that office, because we find it difficult to get men employment at that age.

364. In fact, we may understand that the circumstances of the case have undergone an entire alteration since 1876, and that whereas at that time the question at issue was the employment of the pensioner, the question now assumes a much larger phase, the finding of employment for the large number of able-bodied young men who are every year returned from the duty of service in the Army to the Reserve list. Is that so?—That is practically the result. We have at the present moment, I believe, 83,000 young men in this country who have completed their short service in the Army, and are now ready, in case war should break out, to re-join the ranks of the Army. As I say, the only men we recommend are men of good character. We endeavour to find out what their qualifications are, and then recommend them to employers of labour, and we ask that to some degree the State should give us, not all the employments, but a certain proportion, to offer to these men.

365. In fact, in this case, on the part of the Government and its departments, you think that example would be far more useful than precept, as giving an impetus to the movement?—Yes. It would be perfectly simple in my opinion if some of the departments of the State would say, We will give a certain proportion, whatever they think proper, to these men, and then apply

Chairman—continued.

to us, and then in every case we will take care to send good men.

366. You speak of the State Departments taking a portion only. As regards the class of messengers, why should not the whole of the messengers in the public departments be supplied from the Army Reserve or the Army Pension List?—Quite so. But as these are young men capable of hard work, and worthy of the wage which they get, I go a long way beyond employment as messengers, which is a very good thing; but a messenger's place is more for a commissionaire or an old soldier.

367. I was taking the case of a messenger as an illustration, and of course not as comprehending the whole case. I suppose, apart from the ordinary duties of an office messenger, there are connected with all departments employments such as porters and so on, which really require the services of able-bodied and comparatively young men. When you speak of giving a proportion only to this class, to what class should the residue of appointments be given?—It depends entirely upon the departments, and not upon me. I quite agree with you, we should be very happy to supply as many men as are wanted; and to show you that we can find large numbers, I may say that an employer of labour, a few months ago, asked us suddenly for 40 men, and we gave him 40 men at once, with good characters, and one result was that within 10 days afterwards he telegraphed: "I want some more men of the same kind." That is an illustration to show that we can find large numbers. I do not presume to dictate to the departments of the State who or what they are to employ, but I only say that, considering the good services of these men, it would be a very advantageous thing to the State if there were held out some prospect of employment when they are young, able-bodied men on their return to civil life.

368. Something has been said about the interference of this class of citizens with the labour market. I suppose that, in the first place, when the men go into the Army, they have to that extent relieved the labour market; that is to say, if they had not been enlisted there would be so many more people seeking employment; consequently, when they return again to civil life, you cannot say that they are new competitors for labour, but they are simply competitors who were withdrawn for a certain time, and who have now returned to the competition. Do you agree in that view?—I take entirely that view. If you look at the annual return of the British Army, which is presented to Parliament, you will find that now the Army requires about 35,000 or 40,000 men from civil life per annum, and it returns to civil life about 17,000 per annum. Therefore the labour market cannot complain of the British Army, which takes a great many men away. A great many men die or are invalided, or prolong their service, and therefore the numbers who come home to the labour market are very much less than those that are taken from it.

369. I suppose, too, it might be said that the British soldier renders the labour market possible by maintaining peace throughout the British dominion?—Yes, quite so. He renders valuable voluntary service to the State, which in other kingdoms in Europe is given compulsorily, the law compelling the men to serve. In this country it is voluntary service, and we hope that by taking pains to get good young men employment after their service, we shall popularise the Army and cheapen the Army; because otherwise we must adopt the system of giving the men higher pay, I think. Therefore it is a very economical measure for the State to assist these men in getting employment for which they are perfectly fitted. We do not say that they are to get wages which they cannot earn. We are quite willing to enter into the labour market on perfect terms of competition.

370. I suppose, amongst the employers of labour whom you are in connection with, the railway companies are to be included, are they not?—Yes. Owing to last year's difficulties the railways have left us very much out in the cold. But on the 13th July (this day week) we gave eight men to the Great Northern Railway at 18s. a week; that is one instance. Some of the railways come to us a good deal, others never come at all.

371. Would you mind mentioning the companies which particularly patronise your institution? I would say that in my last year's report of May, 1893, there is a paragraph which answers your question. It is to the following effect. "The Committee feel it their duty to acknowledge the support and assistance they have received from the Great Northern, Metropolitan District, Midland, London and North-Western, London, Chatham and Dover, and other railway companies, and have reason to believe that the superintendents of those railways are satisfied with the general conduct of the men sent to them by the association."

372. The information which you receive from the reservists who are applicants for employment enables you to ascertain to a great extent what classes they belong to. Have you any information which shows the proportion of what we may call educated men, that is men who are capable of clerical labour?—If you would look into the annual Army Return presented to Parliament you will find a very remarkable change since the Education Act of 1870 was brought in. A wonderful change has been worked in the Army as to the education of the men who now come in. For instance, in 1874, the number of men called of superior education (that is something above reading and writing) was 401 per 1,000. In 1889 that 401 had risen to 854 per 1,000, and is still going on. Therefore, the men who enlist in the Army may be of the same social status as they were, but they are entirely different as to intelligence and education.

373. Does the return give the relative number of illiterates, those who could not read or write?—Yes, I can give you those. The numbers are given of those who cannot read and write, of those who can only read or write, and the balance is the men of superior education.

374. What

Mr. *Woodall.*

374. What was the proportion of men in 1889 who could not read or write, as compared with the number in 1874?—In 1889 it was only 19 per thousand, whereas in 1874 it was 54 per thousand.

Chairman.

375. Amongst the better educated men, is it your experience that any of the superior classes are now entering the Army, that is to say, men who come not from the working classes, but from the middle classes; have you any information which bears upon that point?—I have no actual information, but my own opinion is that the class is very much the same, but that the short service has done an immense deal of good in popularising the Army, and that education has done a great deal of good in making the men intelligent. In the same annual Return you will see how much desertion, crime, and courts-martial and drunkenness are decreasing in the Army year by year. It is a very valuable Return presented every year to Parliament.

376. I think the Committee may infer from the evidence you have given that the object for which they were appointed is, in fact, to a great extent being carried out through your admirable agency. Can you suggest to them any particular measures which you would recommend for adoption with a view to carrying the thing still more completely out?—Our suggestion is that the departments of the State should come to us as the employers of labour do. We do not presume to dictate to the departments of State in what proportion they should offer vacancies to reservists. Take Woolwich Arsenal, for instance, which employs many thousands of men. We could not find skilled mechanics, but a great many men are required who are not skilled mechanics, and I do think if a proportion of the vacancies as they occur were held out to this association, it would do the Army a great deal of good. I would observe that the Post Office only come to us for very subordinate appointments.

377. Do you enter into correspondence with the different municipal authorities, county councils, &c.?—No. I have mentioned the subject to a county councillor, but he did not give much encouragement.

378. You said it was your rule not to recommend any men except those who had good characters. What are the criteria of good character?—The man's certificate, or his parchment discharge from his regiment.

379. You do not require any personal guarantee?—In many cases they bring personal characters from officers and others, and we are very glad to get them, because it shows the individual opinions held of the men.

380. You do not require a guarantee?—We do not require it, because they have not got them in many cases. A man may have come from India or elsewhere. But we do require his parchment certificate, and we take a copy, before we register him, of any characters he brings, which we show to employers of labour when they come.

Chairman—continued.

381. But you do not require any official guarantee?—Not beyond what I have stated.

Mr. *Woodall.*

382. On page 14 of your report you give details of the nature of the employment which you provided for 4,442 men?—Yes.

383. Will you explain by what process you arrive at a conclusion as to the particular nature of the employment for which they are best suited. Are they classified when you register them?—Yes. We ask them what they are fitted for, in order that we may arrive at some conclusion, and when employers of labour come to us we give them a choice of men. We parade the men before them, and we show them their characters. If it is not convenient to the employer to come to our office, we send one or two or three men for him to choose from.

384. I only want to arrive as nearly as I can at your *modus operandi*. There were 10,394 men registered during that year?—Yes.

385. Do you analyse those in your registers so as to indicate the particular kind of employment for which they are best fitted?—As far as we are able to we do. The nature of the employment and the wages they receive are given in this book (*produced*) and if employers are not satisfied we ask them to tell us why.

386. Can you give us something like a general indication of the variety which these men present as to their qualifications for particular kinds of employment when they present themselves to you?—We can only do it by asking them, and hearing what they say; but where men are wanted to look after horses, tramcars, stables, and so forth, we naturally find that cavalry and artillerymen are, as a rule, the men to be employed in that kind of work. We therefore, to some extent, can discriminate, but of course there is a real difficulty in discriminating exactly what an infantry soldier is specially capable of doing.

387. You have provided employment for 282 grooms and coachmen?—Yes.

388. Do those men generally come from cavalry regiments?—And artillery. You will observe on page 15 we have found employment for 410 artillerymen alone in the year. It is more easy to provide employment for those men and cavalrymen.

389. They seem to be the men most in request of the soldiers who present themselves to you. I find the largest number in one classification for whom employment has been found are men from the Royal Artillery and the Royal Horse Artillery?—The Royal Horse Artillery and Royal Artillery are very large corps, amounting to nearly 30,000 men. Therefore you cannot compare them with a battalion. On page 16 you will find that the City of London Regiment, the Royal Fusiliers, which is a branch in the City, has got employment for 175 men during the year. That is a very large number for an infantry regiment.

390. Is that attributable to any local circumstances, to the men being more in touch with the life of the City?—I am not able to say, except

Mr. *Woodall*—continued.

except that the branch being in the City they succeed in getting a large number.

391. You stated just now that the Great Northern came to you the other day, and you gave them eight men in compliance with their requirements?—Yes.

392-3. For what purpose were these men wanted?—They are taken on for hard work in the sheds, and matters of that sort. They are not as a rule the porters whom you see on the platform, though some are. As a rule they are employed in hard work outside the station.

394. In the goods warehouses?—In the goods warehouses, shops, and so on.

395. Sir Henry Oakley comes to you and says: "I can find work for eight good porters, at 18*s.* a week." Now to what class of your men do you go to find those eight men?—To all of them.

396. You make the choice rather from their individual qualification than from their having had any particular training fitting them for that work?—We offer it to men that we think are likely to do the work. Some men will not take 18*s.* a week. I may say that the Great Northern a short time before sent for five men, and then they only gave them 17*s.* a week. Wages have now risen 1*s.*; they give them now 18*s.* a week.

397. Have you among your papers a printed statement agreed to by the railway companies stating the amount of wages they are willing to pay for reservists?—No.

398. Have you seen such a paper?—No.

399. You have given us some very interesting information with regard to the general improvement in the educational qualifications of men in the Army, and to the great improvement in matters of conduct?—Yes.

400. That, I assume, you argue, recommends them for employment in civil life to a degree which would not have been the case a few years ago?—In the first place years ago there were no young men coming out of the Army. They were, for the most part, pensioners, or at all events, not men of 26 years of age. Then they were, many of them, practically uneducated. But since short service and the Education Act have been in force, and the men have grown up under these Acts, crime has diminished, drunkenness has diminished, the number of men in prison has diminished, and the court-martials have diminished. For instance, in 1873 there were 76 men per 1,000 tried by court-martial; in 1892 there were 55. There has been a steady diminution.

401. Those figures are as gratifying as they are important; but the point I want you to inform us upon, from your experience, is whether you think there has been a corresponding improvement in the general educational and other commendable characteristics in the civil population?—I have no doubt of it.

402. So that the improved soldier, when he completes his short term of service, finds that he has to compete for employment with a class of young men who have also been fortified by parallel advantages?—No doubt that is the case. In former days a soldier served the working part

Mr. *Woodall*—continued.

of his life in the Army and got a small pension. It was a bad system and a very expensive one, and the present system of short service is financially a great economy to the State. Therefore these men of twenty-six, who have rendered several years' service in the Army, surely, on coming home, deserve some consideration; and if you popularise the Army and facilitate recruiting, so much the better for the country.

403. That we should all agree in; but the point I want to get at is, how far a man who has served his seven years with the colours, who has had such advantages as those you have described, and who comes out with no trade, and only such recommendations as he possesses from the fact of his having gone through a certain amount of good physical and disciplinary training as a soldier, is the equal, in competition for employment, of the man who during that term of years has been serving in civil life?—I think that the short service in the Army does all men a great deal of good. They learn habits of regularity, discipline and obedience, and, therefore, they are better men. But I am also of opinion, and have been for years, that the scale begins to turn the other way if you keep a man a long time in the Army; then the men gradually deteriorate. Therefore, I think a man by short service in the Army is benefited, as I say, by having learned habits of punctuality, obedience, and discipline. He is a better man than he was before.

404. Then I take it when that man comes into your hands at 26 years of age he comes at the most favourable period of his life for you to deal satisfactorily with him?—Yes.

405. Now do you find, from practical experience in endeavouring to secure employment, and doing so, so very successfully, that the reservist has to accept the lower rate of wages for the same kind of work than that which satisfies the ordinary civilian? No; and I do not think he ought to be called upon to do so. I do not ask the employer of labour to take the man as a matter of compassion: I ask him to take him as a man that can do hard work. And I say he will do the hard work which he is required to do; but if he misconducts himself I ask the employer of labour to tell me the reason why, in order that we may strike the man off our register.

406. But it has been represented that, with the very best intention, an industrious and well-meaning reservist finds himself inferior in competition with the ordinary labouring man, for example; have you heard reports or complaints of that kind?—No; that is not my experience. I do not think so. I have heard it said that people think that soldiers ought to take less wages than other men; but I do not see any ground for that at all.

407. The argument is frequently used, "Oh, you are a reservist; you have your 6*d.* a day; you can therefore afford to work at a lower rate of daily wage than a man who has not that income;" but you do not admit the fairness of that, of course?—I do not think that is a fair argument. The reservist has certain responsibilities; he

Mr. *Woodall*—continued.

he may be obliged to throw up his employment suddenly and join the Army and go abroad.

408. That argument has been urged at the War Office; but we have refused to entertain it for a moment. The man who presents himself for employment is presumably entitled to whatever he is capable of earning, whether he is in receipt of a pension or not?—Yes.

409. But then the question arises whether the value of the labour of the reservist is equal to that which by trade union action and other circumstances has been made the market-rate of value for particular kinds of labour; and as to that I gather you say he is as good a man as the ordinary labourer?—Certainly. I may say we ask no questions of that sort from employers of labour. It is a matter of agreement between the men and the employer as to what wages he gets, and the man is not obliged to take it unless he likes. But I am not aware of any inferiority or of any justification for paying him less wages than those a man in private life can earn.

410. When you present a man for employment by a railway company is it ever urged that he ought to take less wages because he has been in the Army?—My experience is that the men are quite sharp enough to say they will not take less wages, and they do not. Many of our men are not satisfied with the wages given them.

411. That is not at all an unusual experience?—What I tell them always is that though the railways may not give high wages at the beginning the policy of the companies is, that if the men conduct themselves well in the course of time they will be given more. Therefore, I always advise the men who go to the railways not to take the employment for a short time and then to throw it up, but to make up their minds that, if they take the wages that are offered, in course of time they will get better.

412. May we take it that that which is true of the railway companies is also true of tramway companies and employers generally: that they do not come to you for reservists because they think they can get them at a lower rate of wages than they would have to pay the ordinary civilian?—I think that they are prepared to give proper wages.

413. Now I see, at page 14, line 10, of your report for 1894, you found employment for 137 carmen?—Yes.

414. Do you happen to know what are the functions of a carman?—No; I am not very well acquainted with carmen: the term is a general one.

415. There are carmen and carmen. There are carmen who have to do a good deal of heavy, laborious work?—Yes.

416. There are others who merely have to guide a horse, and practically do not require to be able-bodied?—Yes.

417. Now I happen to know the case of a carman who is a contractor to the War Office, and who pays a certain number of reservists 15*s.* a week. It is reported that the men are satisfied with that money; that the work is light, and that it is not worth more than that. But the Carmen's Union have fixed a minimum rate of

Mr. *Woodall*—continued.

wage considerably above that, and the contractor reports that if he is compelled to pay a higher rate of wages he must employ a different class of men, and that these reservists who satisfy the particular conditions of their work very creditably will have to disappear. Are you familiar with cases of that kind?—No.

418. You said just now that you thought that among the Government Departments which ought to provide employment for discharged soldiers you might reasonably look to the Ordnance Factories and to the Ordnance Store depôts?—Yes.

419. Are you not aware that there is a very large percentage of the labourers in both departments who are reservists and old pensioners of different classes?—I am not aware, because none of the Departments ever come to us to ask for any men. I imagine that a good many men get in by private patronage. I have no objection to that except that I think that this Association of which we are speaking for the employment of soldiers is better able to guarantee the character and the efficiency of these men if the different Departments of State would come to us and ask us for men, but I have no knowledge as to what men are employed in the Arsenal.

420. Have you heard at any time in regard to these reservists who are so employed how the value of their work compares with that of the similar class of men who have not been in the Army?—No; I have no information.

Viscount *Wolmer.*

421. I understood you to say that you thought it would be a great economy to the State in the future to make itself more or less responsible for seeing that well-educated and deserving reserve men got employment?—Yes.

422. And you intimated that if there was an assurance of that sort it might obviate the necessity in the future of increasing the pay of the private soldier?—Yes. I think if you say to a soldier, "You must expect nothing from us after your service is over," the result may be that men will say, "Then I must have higher wages whilst I am serving." But I think it would be much more economical to the State if it were to say, "We will give a certain proportion of these men, on their return to civil life, situations in various departments," as it would probably save the State from the necessity of increasing the pay of the Army.

423. In answer to Mr. Woodall you have given evidence as to the value, in your opinion, of the reservist as a labourer. But, granting that he is as good a labourer as a man who has not been seven or eight years in the Army, does he or does he not approach the problem of finding employment on an equality with the man who has not been out of the country, and who has been in touch with the labour market during all the years that the soldier has been with the colours?—The soldier who has been with the colours is at a disadvantage. He has been thrown out of civil life; he does not know where to go. Then there is another idea, which is now perhaps wearing out a little in the public mind,

Viscount *Wolmer*—continued.

which is that they will not employ him because he is a reservist, and may be called away. People now are, I think, beginning to see that these reservists have not been called out for years, and so that fear has been very much got over.

424. You do not attribute, then, very much importance to the prejudice against reservists?—I think it is dying out. People are beginning to see that it is an advantage to the country to have men ready to do good service if called upon.

425. A young soldier arrives in England, and, being discharged after four and a half years' absence, however good his character may be does not know whom to go to to get employment, and if it were not for an association like yours he would be at a very serious disadvantage?—Yes.

426. In your opinion does the State owe that man anything more than the bare fulfilment of its financial bargain with him?—Yes; and as I have said, I think that if the State will give him assistance it will be an economical measure, because otherwise by-and-by you will find men will say they will not enlist unless they receive higher pay. On the other hand, if the Government come to us for men it will cost them nothing, because the men will give value for their wages. It is not a matter of compassion; we give you efficient men.

427. You alluded to the question of conscription?—Yes.

428. Is it not the fact that the voluntary services of these men save the whole of the rest of the male population from incurring the penalty of the conscription?—Certainly. This country has always happily been free from conscription, because it has maintained a voluntary system; but it is a hard service upon these men; they go to distant countries and often to very bad climates; they may be engaged in war, and therefore it is a risky profession. Now, if they undertake that, surely they are doing good service to the country and saving the State from the conscription which is weighing down every nation of Europe.

429. I understand from you in the first place the Army takes 35,000 men out of the labour market every year?—That is an average. It varies. In 1892 the number was 41,667.

430. It takes those men out of competition in the labour market?—Quite so.

431. But every year it only returns about 17,000?—That number varies. It is sometimes less. During each of the last two years between 17,000 and 18,000 men came back.

432. A large proportion of the difference between 35,000 and 17,000 would represent, I suppose, the great risks a soldier runs of a breakdown in health from climatic and other causes?—Not altogether. Some few thousands of men purchase their discharge; some men desert; but the deserters I am happy to say are gradually going down in numbers, and have been for years. They are about 1·4 per 100 at the present time. Then a proportion of the men go on for long service, especially non-commissioned officers, who have a right to go on if they think proper. So that the men returning home, as you see, are, roughly speaking, about half the number who enlist.

Viscount *Wolmer*—continued.

433. Still, after deducting all the various causes you have mentioned, a very considerable proportion will disappear by death and invaliding caused by the conditions of service?—Yes, you will find all the details in the Army Return.

434. Therefore, is it true to say that the labourer who becomes a soldier, his period of service over, for the rest of his life performs all the useful functions to the State of another labourer, but that for seven or eight years of his life he undertakes special duties and special risk, thus saving other labourers of the country from having compulsorily to undertake those risks?—Yes; and not only the labourers but the gentlemen of the country, and the merchants and the tradesmen of the country, who in other countries have to undergo the conscription.

435. Has your association ever contemplated applying officially to the various municipalities to ask them whether they will from time to time apply to you for men?—I spoke to a member of the County Council, and I sent the other day to a railway manager, and begged them to take our men into consideration, but with little result.

436. Have you ever sent a formal communication from the committee of your body to the County Council?—No, we have not to the County Council; but we have to employers of labour, and we have to the railways. The secretary often goes round to see the traffic managers of railways, and the result is that the Great Northern, for instance, is beginning now to employ our men more.

437. Would it be correct to say, with regard to the railway companies, that you are now gradually getting a footing in all of them?—We are getting a certain amount; I might mention that Olympia in Kensington employs many of our men; the secretary waited upon them and asked them to do so. The Imperial Institute also employs our men.

438. And you are in a fair way of getting in touch with all the railway companies?—I cannot say that, because some of them, I think, do not take our men; they never apply to us.

439. Do you see any reason why you should not make any communication to the various municipalities, or do you think that ought to be done officially by the War Office?—I shall be very glad if the War Office will help us in any way of that sort. You see, we have not large means for doing these things, our funds are very small. We are obliged to limit our advertisements in the papers, they are so expensive; but we have invented a system of postcards, which cost a halfpenny, and we now answer advertisements that we see in the papers by these postcards, telling people to come to us, and they will get good men. We get a good many applications as the result of that, and it is a cheap method. Of course we could go to the municipalities, but we have hardly the organisation or the means of doing so.

440. So, I understand that your actual proposal to this Committee is that all Government Departments should set aside a certain proportion of posts suitable to reserve men, and that, as they fall vacant, each Department should come

Viscount *Wolmer*—continued.

come to you and ask for a man to fill that vacancy?—Certainly, that is my proposal; that they should lay down a fixed proportion, such as the different Departments think proper. We in no way wish to dictate anything, but we say, "If you will lay down a certain proportion, say one-fifth, of the vacancies, and then at every fifth vacancy you will apply to the nearest branch of this association, we will give you men."

Colonel *Lockwood.*

441. You have stated that your association has various branches throughout the country, and we have been told that there are regimental depôts also established with the same view of assisting reservists?—Those branch regimental establishments you speak of are our branches.

442. Are your branches identical with the regimental depôts?—Not all our branches. Some of our branches are absolutely independent. But in many cases the regimental districts have voluntarily offered to join us, and are our branches. But there are regimental associations which have not joined us.

443. Therefore, in a case where your association had a branch, and there was also a regimental branch, that would rather work against you?—In such cases we write to the officer commanding the district (or we ask the War Office to do so), asking him to join the local one, and form part of the committee, or be chairman of the committee. Frequently the commanding officer has done so, and in that way we avoid having duplicates in each place. But there are certain places in which this association has been formed originally as a branch independently of the regimental association.

444. Will you tell us what percentage of unsatisfactory men you have?—I cannot answer that definitely, because sometimes men are discharged and we do not hear of it; the employers do not tell us. But we do this: if an employer comes to us for a man in place of another we request him to fill up a paper to say why he discharged the last man, and whether he was honest, sober, trustworthy, and so on. And if a man comes to us who has had employment by means of our association, we ask him for his character from his last place, and if he has not got one, we write to his employer and ask him to fill up a paper telling us confidentially how such man came to lose his place. As far as we can in this way we trace the man. But these cases are not very numerous. The committee sits once a fortnight and examines into each case that is brought forward. We look to see what the employer has said against the man; we send for the man; if he does not come we strike him off; if he does come we listen to what he has to say and decide accordingly. But such cases are not very numerous. We have sometimes two or three in a fortnight. I am speaking, of course, of London.

445. You cannot very well say what the exact percentage of unsatisfactory men are?—No, we cannot; but, from the number of employers who come to us over and over again, I do not think they are a large proportion. As a rule employers are, I think, well satisfied.

Colonel *Lockwood*—continued.

446. You say that the men now are certainly better educated than they were formerly?—Yes.

447. I understand that your recommendations are, that a certain percentage of employment to reservists should be guaranteed to the men by the Government Departments; and that the men would know of the fact when they enlisted?—Yes.

448. Do you think that all these engagements should be given through the National Association?—I only say the National Association because we exist for the purpose of trying to ascertain the merits, and the qualifications, and the characters of these men. In many cases soldiers get situations by other means, but they may not be so well guaranteed. I do not want to dictate to the Departments at all, but still, here is an association which costs them nothing.

449. You think your recommendation, if carried out, would have a considerable effect on the recruiting if the men knew of it?—I think so.

Mr. *Benson.*

450. I think you told us that last year you found employment for upwards of 4,000 men?—For 4,442.

451. And you had some 10,000 on your register?—Yes.

452. Have you any means of knowing how many of the remaining 6,000 get employment for themselves?—No.

453. Have you reason to suppose that many of them remained long out of employment?—I am afraid a good many of them did, and that is the reason why I want the Departments of State to help us. Here are 10,000 good men seeking employment. We have done a good deal in getting 4,400 employment, and I have here a book (*produced*) which shows rates of wages paid, and so on, which is interesting, I think, as showing the working of the institution.

454. A good many of these 10,000 men, no doubt, found employment?—I hope so.

Mr. *Woodall.*

455. Are you aware that General Fielding the other day stated to us that, on an occasion when the whole Reserve was called out, 73,000 out of 83,000 declared themselves to be in employment?—That is so.

Mr. *Benson.*

456. I suppose a good many are found employment by the Commissionaires?—A certain number are found employment by the Commissionaires, and a certain number by the Pensioners' Employment Society, which is also at Charing Cross.

457. The Commissionaires deal with reservists, do not they, as well as pensioners?—Yes; but more, I think, of the older soldiers than any others. Then you will observe that the Commissionaires are obliged to wear a uniform, and that immediately shuts them out from a very large amount of employment. You cannot

Mr. *Benson*—continued.

have a Commissionaire as a servant, or a man driving a cart, or anything of that kind. It limits the nature of the employment. However, I have no doubt the Commissionaires are doing a great deal of good, and it is an admirable institution.

458. Can you tell us whether the army is chiefly recruited from the towns or from the country; are the majority of the men who come to you town-bred men or country-men?—I cannot give any official information.

459. Some very striking evidence was given before the Committee of 1876–77 as to the difficulty of getting a sufficient number of good non-commissioned officers. Are you in a position to tell us whether that difficulty is still much felt?—I do not think it is felt so much as it used to be, because a so much larger proportion of the men being educated men are capable of being made non-commissioned officers; whereas in the day when I served as a regimental officer a very large number of the old soldiers were not educated, and, therefore, could not be promoted. Besides, now the non-commissioned officer, if he thinks proper, has a right to go on for long service. Therefore, I think, the difficulty has been to a great extent met.

460. What kind of employment do you find is most difficult to get for these men. If you have a man who would be suited for work as a railway porter, I suppose you can generally, in course of time. find a place for him, cannot you?—Such a man is not a skilled man, and would, therefore, accept other employment besides employment on a railway. The work is hard work but is not skilled work.

461. Is it specially with regard to clerks and men who desire occupation of that kind that you find a difficulty in getting work?—No, I do not think so.

462. There was evidence given by some railway manager before the Committee of 1876–77 that soldiers were particularly good men either for signalmen on the lines or as employés on the platforms at passenger stations. Are they still in request for these occupations?—I do not think they are employed on the platforms for the reception of passengers until they have been in the employment of the railway for some time, because, as you perhaps know, the men in such employment get a good many tips, and therefore they are, I think, specially selected men.

463. You do not know exactly in what capacity they are employed when they go to the railway companies?—No.

464. Now, with regard to the kind of employment open to them in the service of the Government, you suggested that the War Office itself might employ a large number, did you not?—I did; because there are a great many manufacturing departments under the War Office which employ thousands of men.

465. Would you suggest that they should employ reservists?—Certainly; a proportion.

466. But is not the War Office the Department of all others which in time of war could least afford to be deprived of a large number of its employés?—To some extent that is so. But I have had long experience of the War Office, and there is no difficulty in getting men. I do not, of course, propose that the War Office should take an undue number so as to weaken itself in time of war.

Mr. *Benson*—continued.

467. But in times of war any manufacturing department would need all its hands?—The men in the manufacturing departments are as a rule skilled men, mechanics at high wages; and men who come from the Army are not, as a rule, of that character. But there are a great many men employed in the Arsenal on unskilled labour, loading and unloading barges and so on, and certainly a certain proportion of this employment, not an undue proportion, might be given to reservists, and, in case of war, there would be no difficulty in replacing them.

468. Would not the giving them such employment practically be to withdraw them from the Reserve?—No. They must be called out certainly in case of need, but there would be no difficulty whatever in getting unskilled labour at Woolwich or elsewhere to replace them. They must certainly come out. I would not absolve them from Army service at all.

469. So that it is only for unskilled posts which could be easily replaced on an emergency that you would recommend the War Office to employ these men?—Chiefly so; yes.

470. The two chief classes of employment under the Government that seem to be desired for soldiers outside the manufacturing departments of the War Office are those of messengers and clerks, I suppose?—No, there are a great many store departments all over the United Kingdom employing the same kind of men, and I do not see why a certain number of these men should not be reserve men. At Portsmouth, Plymouth and Cork, and a great many other places there are large depôts and stores, and there is no reason why a certain number of labourers there should not be reserve men.

471. Do you know whether it is still the case that when men, on leaving the Army, try to get into the lower departments of the Civil Service to become what I think are called Second Division Clerks, they fail to succeed in the competitive examinations?—I should think it is very possible they do fail to succeed. Probably the competitive examinations are rather more severe than they are fit for. The clerks we get employment for are probably not that kind of men exactly. They are clerks who can write letters and keep simple accounts, but probably they would not be able to stand a competitive examination.

472. It is a competitive examination in very simple things: in writing, time-keeping, and so on?—It may be.

Colonel *Fenwick.*

473. May I ask you whether you think that the present system of giving characters to soldiers on discharge is all that can be desired?—I would rather you would ask the War Office that. If we have any doubt about a character, we have occasionally written to a commanding officer of a regiment.

474. That parchment character is given entirely

Colonel *Fenwick*—continued.

tirely according to the defaulter's sheet, is it not?—Yes.

475. It is not given from any private knowledge the commanding officer may have of the soldier?—No.

476. You think that system of giving a character militates rather against soldiers getting employment. A man comes with an exemplary character, which is simply the result of the fact that he has steered clear of the defaulter's sheet?—I think if he has steered clear of the defaulter's sheet he is, probably, a good man.

477. He is not necessarily so, is he?—I should think, usually, that he would be a good man.

478. In getting employment for soldiers myself, I have been met with that difficulty by employers of labour, who have said, "How can you expect me to take a soldier? I have taken two or three and given them employment, and they had these characters with them." I have been shown a copy of the character, and told these men had all turned out very bad men. I have been asked, "If these are the exemplary characters, what must the moderately good ones be"?—I cannot answer for the cases, unless they came from my association.

479. Do you think no change could be made in the present system of giving characters to discharged soldiers?—That is a question for the War Office to consider.

480. It is a question you would not care to give an answer to?—I think that the men in the Army are improving very much in conduct. Every return shows it. The courts martial are going down, the number of men in prison is going down, and, therefore, judging by the broad results of the Return presented to Parliament, the Army is improving in intelligence and in conduct year by year.

Mr. *Pickersgill.*

481. Can you tell us for how many men you obtained posts in the Post Office last year?—You will find it in the annual report.

482. I see "postmen 826;" those would not be all employed at the London office?—Certainly not.

483. Can you tell us how many appointments were obtained from your London office in the Post Office?—If you will look under the head of page 14, London Recruiting District, Colonel Cox, you will find that he obtained 382 situations in the Post Office. In fact he does not do anything else.

484. We have already had those statistics from Colonel Cox; but my present object was rather to ascertain whether you had obtained any additional appointments in the Post Office beyond those obtained by Colonel Cox?—The Post Office do not come to my office. They prefer going to Colonel Cox, and, as his is a branch of my association, it is quite the same thing to us whether they go to him or come to us.

485. Does the 826 postmen mentioned on page 14 of the pink book include those men for whom Colonel Cox obtained employment in the Post Office?—Yes, it includes those men.

Mr. *Pickersgill*—continued.

486. I understood you to say that the Government gave an annual grant of 250*l.*?—They vary their grant.

487. I see in this income and expenditure account for the year ending March last, the Government grant was 500*l.*?—That is so. This year it is 250*l.* I will tell you the reason. Last year a great number of regimental district associations formed by officers were kind enough to join our association. The War Office would give them no money. They said they were not official, that they were branches of my association. But I mentioned that these new branches, of which there were 30 or 40, had to pay certain expenses of postage, advertisements, stationery, and so on, and that, therefore they would come to me and ask for money. We sent for a detail from each district as to what they wanted. Some required very little and some nothing at all. Some asked for 10*l.*, some 5*l.*, and so on. Therefore, the Secretary of State, taking into consideration the great expansion of this association, gave me 500*l.* for that one year. This year he has given me half the amount, 250*l.* I have not asked for any more at present; I think that is sufficient, and I would rather rely on the War Office and the Departments of State giving employment to the men than on going to the War Office and begging for money.

488. When was short service introduced into the English Army?—1870.

489. When this former Committee sat, short service had been in operation some six or seven years, had it not?—Quite so.

490. Am I right in thinking that the original term of short service was three years?—No; the original term of service was six. We have never attempted three except in the Guards and the Royal Engineers, and a few other exceptional cases. We do not attempt three years' service because the men have to serve in distant colonies, and it is not worth while to send men there and bring them back again after so short a time. The original institution by Mr. Cardwell was six years' service and six years in reserve. It was considered on account of the distance of the colonies, India, and so on, that it was better to make it a little longer. It is now seven and five, 12 years in all. If war should break out there is a power to keep the men one year longer in India.

491. When this former Committee sat they must have contemplated a condition of things under which a constantly increasing body of young men would be returning each year to civil life?—No doubt they had it in contemplation; but I do not think they quite realised what it would come to, and what it has come to now.

492. I quite agree that the numbers then would be small as compared with the numbers now. But my point is this: that clearly one of the reasons which led to the appointment of that Committee was that you had a condition of things under which a constantly increasing number of young men who had been soldiers would be returning to civil life?—They must have had it to some extent brought to their

Mr. *Pickersgill*—continued.

knowledge, of course; but I do not think they fully realised the great change which would come over the Army, which by that time had not begun to take effect but which has now taken effect, with the result that we have 83,000 men in reserve, and that the Army is far more popular. We now get a very large number of recruits without any bounties, and the system is also cheaper than the old one of pensions.

493. Do you agree that the fact of short service having been introduced was one of the reasons which led to the appointment of this former Committee?—It may have been so.

494. Now, going to a different subject, let me ask you this. You are aware that it has been the policy of this country to introduce open competitions for first appointments into practically every branch of the Civil Service?—Do you mean for unskilled labourers?

495. No; but with regard to an enormous proportion of public appointments the system of open competition has been adopted?—For the higher appointments, yes.

496. Is it not the case with regard to an enormous proportion of all public appointments?—But that is not a class with which the Army would compete, as a rule.

497. Let us go by steps. You admit, at all events, that it has been the general policy of the country to introduce open competition for first appointments in every branch of the Civil Service?—Quite so.

498. Do you propose that that policy should be reversed in favour of reservists?—I do not think reservists as a rule would be eligible or would compete for the appointments which you enumerate.

499. Let me put it in another way, so that we may perfectly understand one another. Do you propose that any of these appointments which can now only be obtained by passing a competitive examination shall be thrown open under other conditions to reservists?—I do not.

500. Do you propose to exempt them altogether from the proposals that you have made to-day?—No. I say that if a soldier thinks he is fit for a competitive examination, it should be as open to him as to anybody else. I do not shut him out; but, as a rule, I should say that the question of competitive examinations does not apply to the class of employment which we find for soldiers.

501. If a reservist seeks for an appointment belonging to this class of appointment, you say he must compete under the same conditions as a civilian?—Certainly.

502. Your proposal with regard to positions for reservists is limited to those which are now given practically by patronage?—I imagine they depend chiefly on patronage?—Yes.

503. Subject or not subject to a qualifying examination?—Yes.

504. Can you tell me what proportion of soldiers whose three year term of service expires go on for long service?—I am not able to say. You can get that information from the War Office.

505. I understood you to say that as a matter of your own experience and observation you did

Mr. *Pickersgill*—continued.

not find that the fact of a man having a pension or an allowance of 6*d.* a day led him to take a lower wage than usual. You have heard the case cited by Mr. Woodall of a contractor for the War Office who employs drivers or carmen who are reservists at 15*s.* a week, have you not?—Yes.

506. Would you not be disposed to think that these men were led to take 15*s.* a week owing to the fact that they had this allowance of 6*d.* a day?—It may be so. They may say, "I had better take what I can get." No doubt, but I think they deserve more. I think they deserve the market rate of wages.

Commander *Bethell.*

507. In relation to the last question that Mr. Pickersgill has asked, I have noticed in the House of Commons when these questions have been discussed there is some jealousy about employing old soldiers, is there not, because they compete with the labour market possibly under more favourable circumstances; that is to say, they are able to work for lower wages. That is asserted, and I should be glad to know whether it is your deliberate opinion that on the whole these men do not work at lower wages than the civilians with whom they compete?—I should say they do not, and I hope they do not.

508. Is it your belief they do not?—It is my belief they do not, as a rule; there may be such cases of course.

509. Do you think there is cause for jealousy if it were proved that the old soldiers did work for lower wages?—If it could be shown that they did not consent to take lower wages than civilians, then I think a great step has been taken in removing any apprehensions that may be entertained by those gentlemen. As far as my association goes, we do not make recommendations to employers of labour on the plea that the man is to get less than the market rate of wages.

510. What you say is only an opinion of your own, then, which you cannot absolutely verify, is it not?—That is so.

511. I have been always under the impression that the National Association for the Employment of Reserve Soldiers included marines and sailors; does it?—It does include marines, and we have got employment for a few sailors.

512. Do you say it does not include sailors?—If you look you will find on page 17 that we did get employment for 31 sailors, and you will find that the Royal Marines are also included.

513. The employment of those men would seem to be not quite so regular as the others, and I remark that there is no naval officer upon the committee?—There is a marine officer who has just joined. He joined, I may say, in consequence of observing that we did give employment to marines. I had an interview with him and told him we should be happy to employ as many marines as we could. They are excellent men, and he said, "I will join the committee;" and he did so.

514. May I ask whether it is the intention of the association to expand itself by degrees, and include formally the Navy in its operations?—It

is

Commander *Bethell*—continued.

is not an association established for the purpose of finding employment for men of the Navy who, I imagine, find other means of employment. I think we are sufficiently expanded already when I tell you that we get 17,000 men a-year coming home to England, and that 10,000 men came to us. With our very small means I am afraid we cannot expand at present as far as the Navy is concerned.

515. The apparent advantage of including the Navy, I suppose, would be this: that, supposing the Public Departments accepted the suggestions you make, and gave a certain number of places to old soldiers, it would simplify matters very much if all the Departments, so to speak, massed together, and the old soldiers and sailors were massed together and employed in that way?—I quite agree with you, and therefore you will observe that in my memorandum and recommendation I have said nothing about the Admiralty and the great Dockyards, which employ thousands of men, because I conceive that the sailors have a prior claim; therefore I did not include them in the return I made.

516. Are you inclined to think that, assuming this association grows and expands, it will be advantageous to the services generally if they were amalgamated for these special purposes?—

Commander *Bethell*—continued.

Yes; I should be very glad to see them amalgamated, and I may say also that I shall be very glad to see the Pensioners' Employment Society and the Commissionaires' Society all join in this association. I do not see the advantage of having so many societies.

517. Are you aware that the naval men who leave the service in their younger years, that is to say after 10 or 12 years' service, are not obliged to leave, but are under different arrangements to soldiers, and that there is not quite the same interest felt about them that there is about the old soldiers; it is more about the pensioners I feel especially concerned?—Quite so. I should be glad of any association joining us and expanding us. I may say that I am not in favour of men who do not rise beyond private soldiers extending their service in the Army; but I am very much in favour of extending the service of non-commissioned officers, and giving them the option of going on. As to a private soldier, there is a time when he should not be allowed to remain any longer in the Army.

518. There is nothing further, I suppose, which you can state with regard to sailors?—No; I think I have nothing to say about sailors.

Mr. ROBERT HENRY HOBART, called in; and Examined.

Chairman.

519. I BELIEVE you are a member of the Civil Service?—I am.

520. You are now, I believe, in the Scotch Office, and are, I think, Private Secretary to the Secretary for Scotland?—I am.

521. You have had, I believe, considerable experience in matters connected with the employment of soldiers in public offices?—When I was last at the War Office at the head of Subdivision C 2, the employment of soldiers was managed by that branch, of which I had the direction, and all the messengers of the War Office were under my special care.

522. Will you state, for the information of the Committee, any facts connected with the matter which you think would bear upon this Inquiry. I think you have furnished a Memorandum of the points and perhaps you would mention the specific points, which you think it is desirable the Committee should be made acquainted with?—I sent a Memorandum to you, Sir, and it was principally respecting evidence which I was called upon to give before Sir Charles Fremantle's Committee on Messengers.

523. That was in the year 1892, was it not?—That was in 1892. Since that time I have been Private Secretary at the Scotch Office, and therefore my connection with it is not so fresh as it was.

524. Still you are familiar with the whole subject, are you not?—I am familiar with the subject, and I take a great interest in it.

525. The War Office proposed, I think, a system of employment, not of Reserve men, but of Army pensioners as messengers?—Yes.

Chairman—continued.

526. Which was sanctioned by the Treasury in 1891, I think?—Yes. What happened was this. There was a system of engaging Army pensioners as messengers in the War Office on temporary terms through the Civil Service Commissioners. At the beginning of 1891 there was great difficulty in getting suitable temporary (as we call them) messengers from the Civil Service Commission. The Civil Service Commission had been sending from time to time to the War Office a number of quite worn out old men who were not really of any use. We sent them back with a statement to the effect that they were worn out and useless. The Commissioners had written the War Office a letter early in 1891 stating their inability at that time to supply temporary messengers. I was accordingly instructed at once personally to inform the Civil Service Commission that we had applied to the Treasury to allow the employment in the War Office of a highly recommended Army pensioner as a temporary War Office messenger. I asked the Civil Service Commission what was the condition of their list of temporary messengers. They said they had none but very old men, which the War Office would not have. I told them that the War Office, if left to itself, as in the case of this particular man, could find any number of highly recommended old soldiers of good character who were pensioners. It appeared that the Civil Service Commission had decided not to examine any more men for the appointment of temporary messengers at that time. The conditions of temporary messengers recommended by them was

Chairman—continued.

very unsatisfactory, so they informed me, to the whole Civil Service, and they were on the point of making a recommendation to the Treasury that public offices should supply themselves from the Corps of Commissionaires, and the War Office was advised by them to apply to the Treasury for a general authority to appoint their own temporary messengers, men who were Army pensioners of a good character, without special application to the Treasury in each instance, and to do so until the general subject of the joint appointment of temporary messengers was settled. The War Office wrote the Treasury to this effect on the 16th February 1891, and their Lordships sanctioned the arrangement which I have stated earlier by a letter of the 27th February 1891. That was the condition.

527. The War Office, as I understand, have found no difficulty whatever in obtaining messengers by their own agency?—None whatever, and there are plenty of applications.

528. The inference from that is, is it not, that while no doubt the agency of the Civil Service Commission should not be interfered with in any way as regards the selection of persons for appointments requiring educational qualifications, it is hardly a suitable or appropriate agency for arranging for the distribution of the class of messengers and subordinate servants; is that your opinion?—When the War Office made this trial they found that they succeeded very well, in fact better than the Civil Service Commission had, and the Civil Service Commission admitted it; we had better opportunities.

529. They had the means at the War Office of finding out where good men were to be got for the purpose?—Men came themselves with recommendations from officers. Officers applied themselves, and there was plenty of means of getting the men.

530. That would be as regards the War Office. As regards the other Departments which are not connected with the Army, which also require messengers, what, in your view, would be the best way of obtaining them?—The War Office, having established a list, were very anxious that the other Departments should apply to them, hoping thereby to get employment for these good men.

531. Do you make use of the agency of the society of which Sir John Adye is the head?—We have constantly referred men to those societies when they have wanted employment. Men have asked the War Office to help them to get employment, and we have a regular system of referring them and giving them the addresses of what we call the Aid societies.

532. You refer the applicants, do you, to the society?—Yes, certainly.

533. It is not the society which recommends applicants to you, is it?—No; we refer them to the societies.

534. Have you a separate register of your own?—We have a separate list of messengers.

535. Of men, who have applied to you and satisfied you as to their character, and are merely waiting for the employment?—Yes.

Chairman—continued.

536. And those men whom you cannot employ you pass on, as I understand, to the society?—Yes. When a man calls he asks to be put down for a messenger. I generally told him the list was a long one and advised him to take other means of getting employment meanwhile, such as going to the Aid societies or to the St. George's Barracks.

537. As I understand, all the messengers at the War Office are old soldiers?—Yes.

538. Do you think they are a satisfactory class?—Very satisfactory.

539. You refer in your Memorandum, I think, only to old soldiers; that is only to pensioners, is it not?—Yes, Army pensioners; we were only allowed by the Treasury to employ Army pensioners.

540. Do you, in fixing their salary, take into consideration their pension?—The salary was fixed by the Treasury. I am a little afraid it was taken into consideration. I wish it had not been so.

541. Have you nothing but Army pensioners; you can hardly tell, can you?—No.

Mr. *Pickersgill.*

542. You had messengers before; was there an alteration in salary?—I think the salary was slightly lowered; I am not quite certain about that. I think it was a guinea a week before.

543. What is it now?—Eighteen shillings, rising in two years to 21*s.* a week.

Chairman.

544. Do they get a uniform?—At the War Office they do, I am glad to say.

545. Then the maximum age you take them at is 50, is it not?—Yes, that is the age laid down.

546. They then can get 15 years' service before they are superannuated, can they not?—Yes; and then they can get a gratuity under the Act of 1887, in addition to their military pension.

547. Are there any situations in the War Office not of the nature of messengers, but situations in which no considerable educational qualifications are necessary for which able-bodied men are required?—There are such situations as coal-porters, lamplighters, odd men, and those sort of people.

548. How are those places filled up?—There have been civilians employed in most of those places for some years. The only case I had an opportunity of dealing with was that of a coal-porter, and I got the place for an Army Reservist. He was paid full market wages as far as we could reckon them. He had a guinea a week.

549. Are you able to say what the general system of appointing messengers in other Departments of the Government is?—I have served as private secretary in a good many Government offices, and, I think, it was all done by the patronage of the political head of the office.

Mr. *Benson.*

550. There is some sort of examination, is there not?—Yes, a qualifying examination.

551. But

Chairman.

551. But practically it is a matter of patronage, I suppose?—Yes.

552. I suppose domestic servants are largely employed?—Yes.

553. Speaking from your own experience, which class do you prefer?—I greatly prefer the soldier class for many reasons. They are easier managed when kept under discipline, and they are a more satisfactory class of men. Of course I have seen very excellent men appointed of what I call the old butler class, but perhaps I am rather wishing to help the soldier.

Viscount *Wolmer.*

554. When you were in charge of the Department in the War Office was the whole question of the employment of reservists and pensioners under your charge?—Yes.

555. What negotiations did you carry out with other Government Departments, with the view of getting them to appoint these men?—There was a communication with the Post Office, but principally communication with the Treasury, because we looked to the Treasury to help us with other Government departments.

556. What was your agreement with the Post Office originally?—I am afraid I cannot quite say, except a general proposal to ask them to help us to take men on.

557. Was there no formal agreement between the two departments?—I cannot say for certain; I do not think it actually came to that, but you can get that information.

558. Who from?—From the War Office; they would be able to provide you with that information. The correspondence in the War Office will show that.

559. Your negotiations with the other Government departments, I understand, were conducted through the Treasury?—Yes; we looked to the Treasury to help us.

560. Did you find them very unwilling to take the matter up at all?—Oh, no.

561. I see that you have made a reference in the memorandum which you have furnished the Chairman with, to your evidence before Sir Charles Fremantle's Committee?—Yes.

562. Are you able to state what the result of the deliberations of that committee were so far as this question is concerned?—Yes. I have here a copy of the Treasury Minute dated the 14th March 1894, which appears to be the result.

563. A Treasury Minute on the Report?—Yes.

564. Can you tell us what that minute says? Are you authorised to put that minute in?—I do not think I am. But I believe I am permitted to state what it is. I am not of course authorised to hand in a Treasury Minute.

565. Will you tell us what the effect of it is as regards this question?—The effect of it is that the Treasury propose generally to subject such pensioner messengers as they may appoint in their own office to the rules laid down by the Admiralty and War Office.

566. Who may appoint?—The Treasury themselves. Then they go on to say that the

Viscount *Wolmer*—continued.

Parliamentary Secretary will in furtherance of this experiment select from time to time Army pensioners for appointments under this minute, and then that the pensioner messengers must be appointed under 50 years of age; that is the War Office rule. "Their employment will cease as a matter of course when they reach the age of 65. They will be engaged for temporary service, and the continuance of their service will depend upon good behaviour and efficiency."

Mr. *Woodall.*

567. Would you mind defining what is meant by "temporary messenger"?—"Temporary" is used in the Civil Service in the sense that a man is not entitled to a pension.

Mr. *Benson.*

568. Then all the messengers are temporary messengers, are they not?—No, a certain number are what are called established messengers.

569. Are they, as a class, dying out?—In the War Office the Treasury decided to reduce that number very considerably; they are to be reduced to 12. There were as many as 43.

570. Are they promoted from the temporary messengers?—It would be a long while before any are; there are still too many; but I suppose they will be.

571. Have the present established messengers probably been temporary messengers?—Yes, a good many of them.

Mr. *Woodall.*

572. Are you able to say that in the general service the policy of the Treasury is hostile to the continuance of the system of establishment?—Yes, it is a very expensive system. This is a much more economical and more efficient one.

Mr. *Pickersgill.*

573. Why?—Speaking of a case I happen to know in my own office the other day, an established messenger was on a scale of from 80*l.*, rising by 5*l.* a year to 90*l.* a year, and a man has been put on there at 21*s.* a week.

574. A pensioner?—Yes, an army pensioner.

Commander *Bethell.*

575. What difference in service; would he be a man older in the service?—He must have come in under the rules of the Civil Service Commission. I forget what the rule is, but the age must have been about 40.

Chairman.

576. I observe in the Treasury Minute which you have been quoting from reference is made to the conditions which would be imposed in the case of all Army pensioners appointed to the Treasury as messengers. There is nothing said apparently as to whether they will be employed; there is no guarantee, is there?—No. When I read the minute I was a little disappointed; I

Chairman—continued.

hoped the Treasury would have laid it down that they should be employed, but it is permissive.

577. Nor have they laid down any injunctions to any other departments, have they?—No, it is permissive, but there is a general guidance.

Viscount *Wolmer.*

578. Each department appoints its own messengers, does it not?—Yes, certainly.

579. Are you sanguine in thinking this will be operative?—Yes, I am.

580. Do you think that the heads of departments will give up the privilege of appointing their butlers and appoint old soldiers?—I am happy to say my own chief, Sir George Trevelyan, followed the example, which I asked him to take the other day, when he had an appointment to give away, and the Secretary of State for War, I believe, complimented him in the House of Commons upon it.

581. We all agree that that is a noble example, but do you think it will be largely followed?—I have great hopes it will.

582. Even with your official experience?—Yes, even with my official experience.

583. Did you when you were at the War Office enter into any communications with the Railway Companies?—Yes.

584. Can you inform the Committee exactly what passed between the War Office and the Railway Companies?—I think I must again ask that the correspondence with the War Office should be referred to; I have only a general recollection, and it is two years ago.

Mr. *Pickersgill.*

585. It has been suggested that the old butler system of patronage, as I understand, existed up to the introduction of this new plan; but was that so? As a matter of fact I understood that when you wanted messengers you sent over to the Civil Service Commission?—In the War Office for what they call temporary messengers, certainly.

586. As regards temporary messengers only?—Yes, as regards temporary messengers only.

587. And you tell us that the Civil Service Commission sent you only old men: is that so?—Yes.

588. All old men?—Yes, they were worn out old men who came, and they told me they had no others.

589. What age do you suppose these men were?—Seventy, some of them. I saw time after time that they were worn out old men. I could not say exactly their ages, but they were quite inefficient.

590. As a matter of fact they were employed, were they not?—We employed them a short time and sent them away again; the office-keeper complained that they could not do their work.

591. Because they were worn out?—Yes.

592. Was there any other complaint against them?—No.

593. And these men had passed an examination, I presume, as a matter of course. They would not have been sent by the Civil Service Commission unless they had passed an examination, is not that so?—They must have passed some sort of an examination. They had probably been on the list many years and had been shifted about from one place to another.

Mr. *Pickersgill*—continued.

594. And complaint having been made, the Civil Service Commissioners said they had no other men to send you?—Quite so. They said that they had stopped examining them; that it was very unsatisfactory the way in which they were getting them, and the Civil Service complained.

595. And in consequence of that did you begin to cast about for another system?—We saw we could get them, so many good men had applied to us.

596. Pensioners or not?—Principally pensioners.

597. Then at that stage, as I understand it, you communicated with other Departments; is that so?—We communicated with the Treasury.

598. I meant to exclude the Treasury; I understood you communicated with other Departments?—No, not at that time.

599. At what period did you communicate with other Departments; was it before or after the Treasury had agreed that you should appoint your own messengers?—Do you mean for the purpose of getting messengers?

600. You have spoken about communications with Departments other than the Treasury, have you not?—Yes.

601. I want to know when those communications took place; was it before the Treasury assented to your appointing your own messengers at the War Office or was it afterwards?—We had applied to the Post Office for the employment of men generally, and especially with reference to messengers.

602. With what object did you apply to the Post Office—for them to send you men?—No, but to obtain employment for Army men.

603. That the Post Office might employ these men who had been applying to you; was that it?—Yes, men of that class; the ex-soldier.

604. Was that the object of the communication or was it to bring joint pressure to bear on the Treasury to establish this new plan?—I do not think it was to bring joint pressure; that did not occur to my mind certainly.

605. These communications were not private communications of your own, were they?—Certainly not; it was a correspondence which the War Office might produce.

606. They were official communications, were they?—Certainly, every one. I was not privileged to make any personal communication with anybody.

607. With regard to the plan coming into operation in your own office, what date was that?—1891.

608. Then it has now been in operation three years, has it?—Yes.

609. I understand that you have a list of men waiting for employment, have you not?—Yes, waiting for employment as messengers; what we call messenger candidates.

610. I want to ask you a question about the formation of this list. How does a man come to get

Mr. *Pickersgill*—continued.

get his name put upon that list. In the first place he must be a pensioner, must he not?—Yes.

611. Then when an old pensioner or a pensioner applies to you, what other condition has he to satisfy in order to get his name on the list?—We give him a paper to fill up in order to get a sort of cue to what he is, his regiment, his name, and his service generally, and we tell him that he must be able to produce his documents; and any testimonials from his commanding officers that he can produce, those are generally looked at.

612. Who eventually decides whether or not his name shall go on the register?—The Under Secretary of State.

613. As vacancies occur are these men taken in the order in which their names stand in the list or not?—As a rule, yes.

614. With regard to the exceptions from that rule, what do you say?—Men occasionally say they are in employment. There were a few difficulties at one time on account of the number of bandsmen; there were no less than 26 bandsmen among the War Office messengers, and these men gave some trouble by wanting to go to rehearsals in the day-time, being employed at music halls and theatres, and there were so many that the office-keeper begged there might be no more employed. They were very good men.

615. Have you found that the Under Secretary receives special recommendations that persons who are not at the top of the list should be appointed to any vacancy?—It is done very fairly, most fairly. I think he takes them absolutely in order, unless there is a special reason why a man should not be so taken.

616. Have you not known, say a distinguished officer, sending a special recommendation that a particular individual should be appointed, or if you like a distinguished Member of Parliament, I do not care which?—He is merely taken from his place in the list.

617. I do not quite follow you. You have already told us that the strict order is followed?—I mean when he comes up at the top he is offered a place.

618. Are these exceptions to which you have referred in consequence of special recommendations by persons of influence?—No, they avoid all patronage or jobbing, which I know a great deal about.

619. You admit this does give an opening for a certain amount of the old system of patronage, do you?—It has been avoided, I think. The Secretary of State does not now use his patronage for messengers.

620. But this system does open the door to t, does it not, if anyone were disposed to practice it?—Yes, if he were evilly disposed.

Mr. *Woodall.*

621. Are you prepared to say from your experience that the selection is generally by seniority, but always, when exception is taken, it is on the ground of merit?—It is on some very good ground of that sort, duly weighed by the Under Secretary of State himself.

Mr. *Woodall*—continued.

622. As nothing has been said about it, I should like to have a word or two from you with regard to the men who are employed in the day-time as messengers, but who are able to supplement their earnings by evening occupations of a different kind. Is that common, do you think, among the class of messengers generally?—Yes, I think it is almost universal.

623. It has been stated by some of the Industrial Society leaders that they are exposed to a very unfair competition by this kind of plural occupation of a certain number of old soldiers; has that come under your knowledge?—Yes; I have seen questions asked in Parliament on the subject.

Chairman.

624. But that plural occupation is not confined to old soldiers, is it?—Oh, no. The matter I am thinking most about is the pressure which was put by waiters in Edinburgh, which I saw a great deal of, being private secretary to the Secretary for Scotland.

Mr. *Woodall.*

625. It is alleged that men who are employed in the Government offices supplement their earnings by taking employment as waiters, bandsmen, and various ways. Have you observed anything of that kind?—Certainly.

626. Are you able to say how far that practice has been discouraged in the Government offices, the War Office, for example?—I think it has been acknowledged that it is so. I never knew that it was discouraged.

627. It has been acknowledged that men did supplement their earnings in the way described, has it not?—Certainly.

628. Did I not gather from you from something you said just now that in selecting men for employment as messengers those who are able to earn their living as bandsmen, or get employment at the theatres, were rather discouraged on that account?—Yes; we were anxious to give employment to the old soldiers who had no other employment.

Mr. *Benson.*

629. I understand your evidence has gone only to the question of messengers. Have you any evidence to give as to persons in other positions in Government Offices to which reservists might be appointed?—I have not turned my attention to it very much, but I think there are a great many posts, such as porters, door-keepers, and so on, to which they might be appointed.

630. I meant rather superior posts, such as clerks; there is a certain class of people called soldier clerks, is there not?—Yes. I have always felt that these should be pensioners or reservists, and certainly not men serving with the colours.

631. At present they are men who are supposed to be doing service with the colours, are they not?—In some cases that is so, but I have always strongly felt that these soldier clerks should be serving with the colours; and that this

Mr. *Benson*—continued.

class of appointment should be given to men who have served, and who are now either reservists, or are Army pensioners.

632. Have you any idea how many men there are in the country who are supposed to be serving with the colours, but who are in that sort of way withdrawn from military service?—I could not say.

633. Are there a good many?—There must be.

634. Are there others besides those employed at the War Office?—I suppose all district military offices employ soldier clerks.

635. Do you think that all employments of that kind should be performed by men who are no longer serving with the colours?—I would certainly give them a preference, and I have always thought so.

636. As to the possibility of reserving a certain number of positions as writers for reservists and old soldiers; that you have not particularly considered, I understand?—No, I have not. I have knowledge of men who are serving in the Civil Service. One case I know very well of a most excellent man who has been a soldier, but he passed a competitive examination like anybody else, and he holds a very good position in my own office at the present time.

637. Can you say whether there are many men who have been in the Army and have passed a competitive examination?—No, I do not know.

638. Did the Committee presided over by Sir Charles Fremantle only deal with the question of the employment of messengers?—Messengers, office-keepers, and attendants, I think.

Mr. *Benson*—continued.

Mr. *Woodall.*

639. I think you stated that there are 30 temporary messengers now actually in employment at the War Office under the new system?—Yes.

640. How far are they permanently retained, or is there a change in the *personnel*?—They are on weekly wages, and liable to weekly dismissal; but the men, as long as they behave well, remain there.

641. In your memorandum you state that 44 Army pensioners have been appointed temporary messengers during the period mentioned there?—Yes.

642. How do you explain the fact that within that comparatively short period of a little over three years, there have been so many changes in what would presumably be a continual employment?—Some of them they find better employment. For instance, some men have been what I call such good men: quartermaster-sergeants, and those kind of people, that I have been surprised they have taken posts as messengers, and in a few cases they have got better employment.

643. Would you say men leaving that service have left of their own accord, rather than be discharged for anything like unsatisfactory conduct?—They have left of their own accord. The conduct of these men has been excellent.

Mr. HERBERT JOYCE, called in; and Examined.

Chairman.

644. I BELIEVE you are an official connected with the Post Office, are you not?—I am.

645. Will you kindly state what your designation is?—My official designation is third secretary.

646. You are aware that this Committee is engaged in inquiring into the measures which can be or should be taken for extending the employment of ex-soldiers and sailors in the public service and in other ways. It is understood that the Post Office is, perhaps, the largest employer of labour of a class which a soldier can perform. We are anxious to ascertain from you what measures have been taken by the Post Office, in consequence of recommendations which were contained in the Report of the Select Committee which sat on this subject in the year 1877. We have heard from different directions, and from evidence given here, that the Post Office does employ a considerable number of reserve and old soldiers, especially as messengers, and the Committee will be glad to have from you special statistics on this head if you can furnish them?—Perhaps it would be more convenient if I begin by stating what the Post Office has done under the late two or three Postmasters General. Mr. Raikes was the first to introduce a system under which he arranged that no telegraph messengers should become postmen unless they had first served with the colours. At the age of 18 they were encouraged to enlist in the Army by a promise that after five years' service with the colours they should return to the Post Office as postmen, if they brought good characters with them.

Chairman—continued.

647. Were those applicants for the Post Office Department?—Yes; this was in the year 1891, under Mr. Raikes as Postmaster General. If they came back as postmen half their military service was to count for the purposes of pay as Post Office service.

648. Did the Treasury agree to that, or was it necessary to ask the Treasury?—Yes, it was, and the Treasury did agree. I should explain that the pay of postmen is on a scale ascending by increments, so that the arrangement was that half their military service should count as service in the Post Office; in consequence of that they had not to enter at the minimum, but they would take two and a-half years in advance on the scale.

649. The increment being for length of service?—The increment being annually for length of service; the scale would be 18*s.*, by 1*s.* rising upwards.

650. To whom would that apply; to all applicants?—This was the communication made to the telegraph messengers, that they should not succeed to the establishment unless they served with the colours.

651. Was that as to the telegraph boys already in the Service?—The telegraph boys already in the

Chairman—continued.

the service, and of course to new intrants as well.

Mr. *Pickersgill.*

652. As I understand, Mr. Raikes' plan applied to those already in the service, not merely to those who hereafter enter the service?—I beg your pardon, I am wrong, I should have said to those who were hereafter to enter, but exceptions were made in favour of telegraph messengers who were in the service.

Chairman.

653. Was it made a condition, on entering the service, that if they wanted to go on they were to pass on into the Army?—Yes; Mr. Raikes was succeeded by Sir James Fergusson, and Sir James Fergusson retained what I would call the Army or enlistment scheme, and in addition he gave directions that all the appointments in the Post Office as postmen and porters, of which there are a large number, should be reserved for ex-soldiers.

Commander *Bethell.*

654. What does a porter do in the postal service?—Various things.

655. Is he appointed in town or country?—I am speaking generally of London. There are a few in the country, but very few. In London what they do is this: They wheel about the heavy baskets of mails from one part of the building to the other, and deal with the heavy parcels which pass through the post. Those who do the cleansing also are porters, so that altogether we have a large number.

Mr. *Pickersgill.*

656. What is the date of that?—The actual authority is dated November 1891, but we call it the 1892 scheme to distinguish it from Mr. Raikes' scheme. Of course Sir James Fergusson made exceptions in favour of persons already in the service, but with those exceptions all these minor appointments as they became vacant were to be reserved for ex-soldiers. Then the present Postmaster-General came, and he has since abandoned the enlistment scheme, and he has modified the ex-soldier scheme.

Chairman.

657. In what direction?—He abandoned the enlistment scheme because he found it was absolutely hostile to the public interest. He felt that his duty to the public required it. In other words, that the very condition that these lads should pass through the Army had the effect of deteriorating the class of boys who offered themselves as telegraphic messengers. Parents took alarm at the very idea of enlistment and they would not let their boys join; therefore in the public interest he gave up that scheme under which the enlistment in the Army was to be a condition of succession to the establishment, and he also modified the ex-soldier scheme to this extent, and to this extent only. He thought it was a great hardship, indeed almost amounting to cruelty, that these boys, who had given perhaps three or four years of boy service to the Post Office, should suddenly, on reaching the age of 18, be thrown out into the streets to make way for others who did not know their work so well, and, as far as the Post Office was concerned, had not so strong a claim upon it as those boys. Therefore to that extent he modified the scheme, but only to that extent; all the rest he has carried out loyally.

Chairman—continued.

658. And what remains?—A large part remains. Speaking generally, there are 2,000 such appointments becoming vacant in the course of a year.

659. 2,000 within the United Kingdom?—Yes, and the boys do not absorb 1,000; so that you will see there is a very considerable boon reserved to the ex-soldier still.

660. After the boys are provided for, is the residue reserved for the ex-soldier?—Not wholly, there is another exception; the other exception is of those persons who have claims not being boys.

661. What constitutes a claim?—Long temporary service. Perhaps I can best illustrate by an example. There is some little employment that becomes vacant which carries, say, 5*s.* or 6*s.* a week with it. A soldier will not take it, and we have to get a man from outside. Then perhaps the duty he has to do is slightly extended, and his wage is raised from 6*s.* to 8*s.*, and afterwards from 8*s.* to 10*s.*, and go on up to 15*s.* or 16*s.* when the place is made an established one. Again the question arises of the hardship of replacing the man who has long been doing the work by another who does not know the work, and whom we should have to train at more or less expense.

662. You do not replace that man, but that man goes to replace a permanent post, as I understand, you give him the preference?—Yes.

663. It is not a question of turning him out, but allowing him to pass on to something better, is it not?—Not necessarily. What often occurs is this: A place grows from, say a half or two-thirds of a time place into a whole-time place, and when it is a whole-time place it becomes established, and we do not like to displace the half-time or two-thirds time man who has done his work well for several years.

664. Practically I suppose you have a constant succession of half-time and two-thirds time men passing forward, so that that last condition seems to leave out the old soldier altogether; the boy is to have a preference and the temporary man a preference. If those two preferences are allowed, what then remains?—When you speak of having a preference it is hardly that. We do not give them the preference, but we only give to those whom we hold to possess claims, and if they have claims we do not displace them for the sake of others.

665. But the claim is one apparently which would be constantly arising, because you have constantly men passing on from short-time to long-time service, and that constitutes the claim, does it not?—Yes.

666. As one man passes up and another succeeds

Chairman—continued.

ceeds him he in turn has a claim—not a claim based on exemplary character, as I understand, but the amount of work he has to do. That process is constantly going on in the department, therefore I do not see where the soldier comes in at any point?—I do not think I have explained myself properly. I understand you to suppose that there is another man who is replacing the man who is put upwards. I am talking of the duty growing. The man does not change, but a duty of 10*s.* or 12*s.* a week grows into a 14*s.* duty; if another man does not supplant him he remains.

667. When that man, you say, comes into an 18*s.* duty, he then becomes a permanent servant, I understand?—Yes.

Mr. *Pickersgill.*

668. Perhaps this will make it clear. I think we may take it that all duties are not growing duties?—Certainly not.

Chairman.

669. He is not going to a new post, but his own work is increasing; is that it?—That is so generally, in the very large majority of cases.

Mr. *Woodall.*

670. The temporary postman is a probationer, and if he discharges his duty satisfactorily he is entitled to remain, and to profit by any improvement in his position; is that so?—That tolerably expresses it, but it is rather put more favourably than we should put it ourselves; we should not hold that he had any absolute claim; we should not regard him as a probationer. Every man put to a temporary duty is warned beforehand that he will have no claim to permanent appointment.

671. Is it not the case that discharged soldiers are sometimes engaged on temporary duty?—Yes.

672. I think I know of a particular individual case of a man who left the colours with a very good character, who applied for employment as a Post Office messenger, and who was offered temporary employment which brought him in a small wage which, small though it be, was acceptable to him?—If you will allow me to correct the word "messenger," and say "temporary employment," I think I may say that an old soldier would never ask for temporary employment in the Post Office, and be refused.

673. As a matter of fact, old soldiers or reservists do frequently and in large numbers obtain employment in those temporary ranks, do they not?—Yes, either reservists or time-expired men or old soldiers. It is not only in temporary places, but in established places, that they are employed. Indeed, with regard to temporary places, we often find that soldiers, especially if they have to move to any distance, decline those places, and it is exactly because they decline the temporary places that more persons acquire claims for established places than they otherwise would. If we could always be sure of a soldier for a temporary place, those

Mr. *Woodall*—continued.

who would get permanent places in preference to soldiers would be very few indeed.

674. But supposing a man comes to you and applies for employment, is it not frequently the case that you say we cannot offer you permanent employment, but you may, if you like, accept temporary employment?—Frequently.

675. And that if the reservist conducts himself well in temporary employment he has a preferential chance for permanent employment later on?—Yes.

676. A doubly preferential chance?—He would have an absolute claim.

Chairman.

677. With regard to the messenger boys who would have a claim to come in, in what capacity do they come on as they grow to manhood; you will not keep them as messenger boys beyond a certain age, will you?—Not beyond the age of 18.

678. What happens to them then?—At the age of 18 they are given appointments as postmen permanently. If there were not sufficient vacancies, which is very rarely the case, we should keep them on until they were 19; we should let them stay on.

679. But of course the rate of promotion would depend, would it not, on the ratio of messenger boys to full-blown postmen?—Yes. Presently, I can give you full information about the numbers.

Captain *Fenwick.*

680. May I ask whether there is not some regulation in the Post Office by which temporary postmen have to show that they are in receipt of a certain weekly wage from other sources?—Yes, as regards London.

681. That militates a great deal, I suppose, against old soldiers obtaining these positions of temporary postmen, which you say they often refuse?—Occasionally.

682. They have to refuse, I suppose, because they have not got the 18*s.* a week which you require them to have from other sources?—Certainly. That is perfectly right, but merely for accuracy sake I should like to vary the terms. When you speak of "temporary postmen" they are really auxiliaries, and the auxiliary postmen are employed to do all the little odds and ends of fragmentary collections and deliveries throughout London, fragments of work that would not employ a man's whole time, so that an auxiliary postman may be employed at 6*s.*, 8*s.*, 10*s.*, 12*s.*, 14*s.*, or 16*s.* a week. Of course it would never do for the Post Office to be employing a person on trustworthy duty who had no more than 6*s.* or 8*s.* a week to live on. It is very little the man has to do, and that is all he ought to be paid for it, but then we insist that he should have, from some other source, sufficient income to make his whole wage, the Post Office wage included, up to 18*s.*, so that it shall not be said he has not sufficient to live upon.

683. In

Colonel *Lockwood.*

683. In order to relieve the Post Office of the stigma of underpaying men?—Yes, an undeserved stigma.

Captain *Fenwick.*

684. Do you draw any distinction between a temporary and an auxiliary postman?—Yes, the auxiliary is what I have described; a temporary postman would be a man put on to do an established postman's duty, but only for a week or so; he is put on to do a postman's duty temporarily, while the other is a regular auxiliary.

685. Is the man who has been doing auxiliary work for some time supposed to have any claim on a temporary berth when it became vacant?—A man employed at 4*s.* per week would not, but a man who has had 14*s.*, and you gave him other work which brought him up to 18*s.*, would have a claim.

686. But he is another man who militates against the ex-soldier, is he not?—He is one of them.

Mr. *Pickersgill.*

687. A moment ago you used these words: "An old soldier who applied to us for temporary employment would never be refused." I should like to know in what sense, or with what limitations, we are to understand those words?—At once I candidly say I cannot answer your question. I can only speak generally, holding, as we do, that ex-soldiers have a claim, and a strong claim; if there is no reason against it, we should do all we could to do as he asked; but if you put me to particulars I should have a difficulty in answering you.

688. I meant to put it rather as a practical question. I presume you have constantly applications from old soldiers, either personally or through some association which gets employment for old soldiers, have you not?—Let me explain our machinery, and I think you will see it will be rather the other way. We report our vacancies to the military authorities and ask, "Have you any people for these vacancies?" and it is not always that the military authorities can send us names, so that practically we ask them, and there is less reason for old soldiers coming to us.

689. Supposing to-morrow an old soldier of excellent character applied to you for temporary employment, would he or would he not be likely to get it; I want to understand in what sense you meant the words you used?—If it was in the country he certainly would; in London I am not quite sure how far we should consider ourselves pledged to the military authorities, not to take any but those they recommend to us.

690. Then is your answer that in the country he would, but in London you would feel yourselves under some obligation to the National Association for the Employment of Soldiers?—No, not to that or any other association. We send the names to the military authorities. With every desire to employ discharged soldiers, we never take a man on his own application; we always say, "You must go to the military authorities, whether in London or the country. That arrangement was made by Sir James Fergusson.

Mr. *Pickersgill*—continued.

Chairman.

691. Can you tell the Committee what is the general numerical result of these arrangements; I do not think we need go into the question of temporary employment, but into the question of actual employment as postmen; can you give us the figure showing the number of vacancies in the whole kingdom?—I will take the period from the 1st January 1892 to the 31st March 1894, which is a period of two years and a quarter. The number of soldier candidates that have been recommended by the War Office in reply to applications from the Post Office, are 3,730; that is the number in two years and a quarter.

Mr. *Woodall.*

692. May I ask if that includes men employed on telegraph works and telegraph services?—No, those are the Royal Engineers. Out of these 3,730 the number who declined employment was 879.

Chairman.

693. Was the number recommended by the War Office the number whom you asked them to supply you with?—Yes.

694. The number of appointments you placed at the disposal of the War Office; is that it?—The number of soldier candidates asked for. Of these the number that was rejected by the Civil Service Commissioners was 218. Is it the pleasure of the Committee to know why they were rejected?

695. Yes, I think so?—The total number rejected were 218; those rejected on the score of education were 64; on the score of age, 40; on the score of health 58, and on the score of character, 56.

696. Do these appointments occur all over the kingdom?—Yes.

697. How do the Civil Service Commissioners deal with applicants at a distance; do they come to London to be examined?—No, they are examined locally.

698. When you say the United Kingdom, do you include Ireland, or is Ireland dealt with separately?—It is included.

Mr. *Woodall.*

699. Have you any information as to the grounds upon which the 879 declined the proffered employment?—No, we have not. They simply say they decline, and that is a thing of which we should not have the particulars. The numbers who were found unsuitable prior to presentation to the Civil Service Commissioners were 386.

Chairman.

700. And the net number appointed was, how many?—1,107.

Chairman—continued.

701. Then the vacancies which remained after that 1,107 were appointed were filled up from other sources, were they?—Yes; 1,107 ex-soldiers were appointed on the establishment.

702. And that left, therefore, over 2,000 to be appointed from other sources, did it not?—Yes.

703. Besides those 2,000 odd, there were also the appointments which were not thrown open in the first instance to old soldiers; how many were those; you did not apply to the War Office, I understand, to fill up all the vacancies you had; you asked for 3,730?—Yes.

704. Those were not the whole of the vacancies in your Department, were they?—No.

705. Can you say how many vacancies remained over and above that number?—The whole number is 7,200.

Mr. *Woodall.*

706. Are you clear that if these 3,730 had satisfied all your requirements, and satisfied the Civil Service Commissioners, you could have placed that number of appointments at their disposal?—No, because for many places we had to ask for two or three candidates, in consequence of some of the men declining.

Viscount *Wolmer.*

707. In fact, what you mean is, that to fill 1,107 places there were 3,730 candidates at one time or another?—Yes, that is so. There is another figure which I have not mentioned, as the number of soldiers who were given unestablished situations in London and Edinburgh; those are 1,138, and those are included in the 3,730.

Mr. *Pickersgill.*

708. Supposing there had been some old soldiers qualified, were not there more than 1,107 established situations open to them?—No, I think not.

Chairman.

709. How many appointments of established postmen were made during that period, including the soldiers?—7,200.

Viscount *Wolmer.*

710. As I understand it, out of the 7,100 vacancies you only offered the Army 1,107, but to fill up that 1,107 you had to deal with 3,730 applicants?—Yes, that is so, subject to the remark with regard to the soldiers who were given unestablished situations.

711. Of the established vacancies, which were 7,200, you never intended to offer, however many men might have been available, more than 1,107, I understand?—That is so.

Mr. *Woodall.*

712. I think, in order to arrive at an idea of the proportion, perhaps Mr. Joyce will tell the Committee how many unestablished men were employed from different sources during the same period; do you happen to have those figures?—Yes; the number of civilians given established situations during the same period was 6,092; the number who were given unestablished situations was 2,359.

Mr. *Woodall*—continued.

713. That is, civilians in addition to the 1,138 old soldiers, is it?—Yes.

Mr. *Pickersgill.*

714. With regard to the men appointed to the unestablished places, was that because they were unfit for the established places?—I think not; I think it was because they came in the order of the offer being made.

Chairman.

715. During the 27 months under consideration, how many appointments were made to the established postmen's department?—7,200.

716. Of those, I understand 1,107 were soldiers?—That is so.

717. What determines the Post Office to fix that proportion of between one-sixth and one-seventh only of the whole established; was it because you could not get more soldiers, or was it because you had some definite policy of maintaining a certain ratio between soldiers and civilians?—It was because we had to recognise claims; first, the claims of the telegraph messengers, and then the claims of those persons who by temporary service had established claims; also there are many unestablished duties which soldiers would not think it worth their while to accept.

718. Then is the Committee to understand that, of those 6,092 civilian appointments, the whole consisted either of telegraph messengers or of men who had established a claim?—Yes, with very few exceptions.

719. Subject to that condition that the telegraph messengers have a claim, and that men who have established a claim by long temporary service should also be considered, is it the policy of the Post Office to make all the appointments from soldiers if they can, or have they any *arrière pensée*?—None whatever. There is not the slightest disposition on the part of the Post Office in that regard.

720. Is there an absolute disposition or desire to appoint soldiers?—The scheme is carried out most loyally, but I am not prepared to say that there is a strong opinion that the soldiers do better than the civilians, or even in one or two respects perhaps quite so well.

721. In filling up appointments which are vacant, which are not filled up by soldiers, taking, for instance, the country postmen, with whom does the nomination rest?—With regard to those persons whom we consider as having claims, it really is not a case of nominating, because, as I have explained, their claim grows from their doing the work. With regard to a man's first employment on that duty it would come about in this way in nine cases out of ten, an emergency arises, perhaps, from a postman in the country being ill, and the local postmaster has to get the very first man he can who is fit in point of character; he has to look about for a man.

722. But

Chairman—continued.

722. But in the case where there is no one present with a claim for temporary service and a vacancy for a postman falls in, with whom does the appointment rest?—It would be with the local authority, whoever he was; he would have to provide for the duty. Of course I am now talking of the very low appointments, such as we are now considering.

723. Then in the case of the department sending down a soldier to take up a postman's place, to that extent it interferes with the local patronage; it comes to that I suppose?—There is no question of local patronage about it, I assure you. A post falls vacant; perhaps the postmaster comes down in the morning and he hears that there is not a postman to take a certain duty; the postmaster must provide for that duty, and sometimes he is at his wits' end to find a man. He goes out and finds the best man he can for the post. In some places it might be a great difficulty to get a man.

724. Suppose, on the other hand, a postman is given a month's notice and the postmaster has to provide for his place, with whom does the filling up rest, the postmaster of the district, or with whom?—With the postmaster, *i.e.*, before the soldier scheme was adopted.

725. If you make a rule about the compulsory engagement of soldiers, if soldiers are available, to that extent we may take it, I suppose, that the postmaster's right of selection has been narrowed and taken from him; is not that so?—Yes. But if I merely acquiesce I might mislead the Committee. The postmaster really has no discretion in the matter. Might I hand in the form of letter which we require the postmaster to send in in such a case. The postmaster has really no discretion in the matter.

726. From this form it appears that the postmaster of the district is obliged by your rules, whenever a vacancy occurs in the position of postman, to apply to the regimental district?—That is so.

727. Is it obligatory upon him to make this requisition?—Absolutely, unless there is somebody with local claims. If there is someone with local claims he reports to his surveyor, who reports to us.

728. Then, subject to those limitations which you have mentioned, the Post Office Department does really all in its power to extend the employment of soldiers in their Department, does it not?—Absolutely.

729. Are you satisfied in the Post Office Department with the machinery at your disposal for getting at the information?—I think that that might be improved. I do not know much about it myself, but I do think there is sometimes delay. Of course you will quite understand that the Post Office is in a constant state of emergency; emergencies are arising all over the kingdom. Even if there is a duty which an ex-soldier would accept and be glad to accept, we must make temporary provision for the moment, and I think if the machinery were oiled a little it would be of benefit.

730. Will you kindly suggest in what direction you think an improvement should take place practically?—In regard to the means required for getting the soldiers more quickly, I would ask to be excused, because I do not know much about it; but there is one point upon which I am extremely anxious to ask the Committee's assistance, and it is this: I am dividing soldiers now into two categories, one, those we have been talking about here, who are recommended by the military authorities; another, those that the Post Office in days gone by took on without any recommendation from the military authorities, but merely with the desire to promote the employment of discharged soldiers. Speaking now of those recommended by the military authorities, they have on the whole done well, fairly well; but undoubtedly there is a fault, and that is, they do not (speaking very generally) appreciate the importance of sobriety. These poor fellows are exposed to a sore temptation from which others are exempt, and I think that temptation should be removed from their path. They receive their reserve pay, and they receive it in a lump sum at quarter day, and having this lump sum in their hands they proceed, in Post Office parlance, which perhaps is more expressive than accurate, to "liquidate" it. Now the Post Office thinks, and thinks very strongly, that that lump sum ought not to be paid in that way, but that it ought to be paid to the Post Office and doled out with the men's wages, and I should be glad if that could be arranged in some way.

Chairman—continued.

Mr. *Woodall.*

731. You are referring, of course, to the pensioners or reservists who are in the employ of the Post Office?—Certainly; it is a very little change, but I think it is an important one. A great temptation would thus be removed.

732. You are aware, perhaps, that the Postmaster-General has reported rather unfavourably on the practice of the War Office in making payments of deferred pay due to the soldier through the Post Office as at present?—Yes, as regards their being made through the Post Office Savings Bank.

733. Are you prepared to say how far the previous training of the soldier has been a recommendation or in any way a disqualification for Post Office work as a rule. Does the old soldier turn out a good Post Office servant?—I noticed some words used the other day before this Committee by General Fielding, and I am inclined to think that that expresses the Post Office view. He says: "These men are taken away from their avocations at the age of 18, 19 or 20, the best years of their lives are given up to learning to be soldiers, and nothing else," and on this ground he considered it a national duty to provide for them. It may be a question whether this exclusive devotion to military duties is the best preparation for the duties of the Post Office.

734. From that point of view, supposing you are perfectly free to choose your servants without being called upon to fulfil any obligation to the State in the sense you have spoken of, would you look to the discharged soldier as the desirable person for the particular work you have to offer?—If there were no feeling whatever in favour of the

Mr. *Woodall*—continued.

the discharged soldier I am afraid the answer to your question would be, no, I should not.

735. Let me put that to the test. How does he compare with the ordinary servant employed from other sources in the matter of conduct. Let me take the established man first of all, what is the proportion of dismissal for misconduct in the ranks of those obtained from ordinary civil life?—During the two years and a quarter of which we have already been speaking, the number of soldiers who were given established situations were, as I have already said, 1,107; the number of those who have been dismissed is 30.

736. What proportion is that?—The proportion is 1 in 37.

737. I think in another place you give the percentage as 2·71, do you not?—Yes.

738. What is the proportion in regard to those obtained from other sources than the Army?—During the same period the number of civilians who have been given established situations are 6,092; out of those the number dismissed has been 64.

739. Giving a percentage of what?—A percentage of 1·05.

740. Now come to the class of men who are employed as unestablished; there were 1,138 ex-soldiers. Can you tell us what were the discharges out of that number?—Among the soldiers the percentage of dismissals was 7·64.

741. And in regard to the non-soldier class, what was it?—Among the civilians the percentages of dismissals was 4·20.

Mr. *Pickersgill.*

742. Were these dismissals for misconduct in both cases?—Yes.

Mr. *Woodall.*

743. Can you tell the Committee the particular nature of the misconduct. You have referred to the special danger from drink, consequent upon their coming in for a lump sum of money periodically. The general kind of misconduct I suppose, in the larger number of cases, is from drunkenness, is not that so?—Yes, one-third.

744. Would you suggest that there has been any improvement in that particular, in recent times?—I do not think our experience has been sufficient to warrant me in giving an answer. I will say this, that speaking of those soldiers who have been employed by us without the recommendation of the military authorities, I think the intoxication amongst them was far, far

Mr. *Woodall*—continued.

greater, than it is amongst those who have been recommended by the military authorities.

745. Then do you go so far as to say that if greater vigilance was brought to bear in securing a good character, and if this temptation which you have referred to, offered to men by coming into receipt of an accumulated sum at certain periods, were removed, the objection to the employment of a soldier would be much diminished?—Yes, but I am bound to say that I think at present the military authorities take every reasonable care to send only men of good character. I do not think any further vigilance is required in that direction.

746. But you have said that at an earlier stage that vigilance was not so strict as it is now, have you not?—That was in regard to those we took on ourselves, not through the military authorities.

747. You accept the blame for yourselves rather than throw it upon the military authorities, do you?—Yes, quite so; I think they do all that we can expect in regard to sending us people of good character. With regard to the other matter, I think that the taking away of the accumulated capital from the men may be of the highest importance.

Mr. *Pickersgill.*

748. With regard to dismissals for dishonesty, will you give the Committee the relative numbers of the two classes; have you got them there?—I have, but do you wish it to go on the notes. I can give it if you wish.

749. I do; I think it is important?—The number of dirmissals altogether of ex-soldiers is 30; of these the number dismissed for intoxication was 10; the number dismissed for dishonesty was six; the number dismissed for tampering with or delaying letters was two.

Mr. *Woodall.*

750. That accounts for 18 out of 30, does it?—Yes. Perhaps I had better exhaust the table. Absence without leave four, insubordination two, unsatisfactory conduct three, and fighting three.

Mr. *Pickersgill.*

751. Now give me the figures with regard to the civilians?—We are dealing with a different number, remember. Out of 6,092 civilians employed the number dismissed for intoxication was 15, for bad attendance nine, for dishonesty or theft 16, for tampering with or delaying letters one, for absence without leave six, for insubordination two, for unsatisfactory conduct 13, and for fighting two.

Tuesday, 24th July 1894.

MEMBERS PRESENT:

Mr. Austin.
Mr. Benson.
Captain Bethell.
Mr. Brookfield.
General Sir George Chesney.
Captain Fenwick.
Captain Grice-Hutchinson.
Colonel Lockwood.
Colonel Murray.
Mr. Wilson (Durham).
Viscount Wolmer.

General Sir GEORGE CHESNEY, in the Chair.

Mr. Herbert Joyce re-called; and further Examined.

Lord *Wolmer*.

752. I THINK you told us that the postmasters in the rural districts had orders to apply to the regimental district of the neighbourhood in case of vacancies amongst the rural postmen, did you not?—That is so.

753. Does that imply that the patronage of rural postmen has been entirely taken away from Members of Parliament?—Yes.

754. Absolutely?—Absolutely.

755. And as a matter of fact, do these rural postmasters continually apply to regimental districts to nominate men?—Such is the rule, and a postmaster, to put it on the lowest ground, dare not disobey a rule. There is a certain routine which he is bound to adhere to, and he does so.

756. I have been told by the authorities at two regimental districts that it is a very rare thing for them to receive an application from a postmaster in their district, although the area embraced is a very large one. What do you say as to that?—I think that probably refers, not to the established appointments, but to the small unestablished appointments. I refer to people who perform duties which do not occupy their whole time, what you may call minor duties. Those duties it would not be worth while offering to soldiers, and if they were offered, soldiers would not accept them. But the rule is, if an established appointment becomes vacant that the postmaster applies to the military authority of the district, and there is a certain form which he is obliged to use, and he can use no other. I submitted a copy of it the other day to the Committee.

757. That is to say, when for such a vacancy there is no telegraph boy or claimant in the nature you described to us last time who has a prior right?—That is so.

758. Can you tell the Committee the reason why you found it necessary to give preference to telegraph boys?—There were two main

Lord *Wolmer*—continued.

reasons: one reason was in the public interest. It was found that in the boys who offered themselves as boys there was a marked deterioration in consequence of the dread of their parents that their boys should enter the Army. We took particulars from many of the largest towns, and there was a very general concurrence of opinion that there was a deterioration in the boys who offered themselves after the enlistment scheme came out.

759. But there was no compulsion, was there?—Yes, under the first scheme, as laid down by Mr. Raikes, no telegraph boy was to succeed to the establishment unless he passed through the Army.

760. Quite so, but he was not compelled, was he?—No; but that brings us to the second reason, that if they did not go through the Army, then they were thrown out of employment at the age of 18, after giving three or four years to the service. That was the second reason that operated for altering the system, and why Mr. Morley modified the original scheme to that effect. It seemed so hard to throw out of employment hundreds of boys, in fact a thousand altogether, just when they came to the age of 18 after they had served the department well.

761. I understand you mean you found by experience you could not get the right class of boy unless you offered him a permanent career in the Post Office on his good behaviour?—It comes very much to that. We got a worse class of boy when the prospect of a permanent career was cut off.

762. Can you tell the Committee what the present rate of appointment of soldiers per month is on the average?—Shall I take it by the year; it will be easy to divide it by 12. The average number of appointments we are speaking of which fall vacant in the course of the year is 2,100, and the average number that is given to telegraph messengers (giving estimates only) is

Lord *Wolmer*—continued.

1,000; the average number given to auxiliaries —that is, persons with claims—650; and the average number given to soldiers, 450.

763. Does that apply to rural postmen?—No; I am talking generally of established men as apart from the auxiliary men, appointments of established postmen, whether town or rural.

764. That is the present rate, is it?—That is the estimate as formed from the numbers during the last two years and a quarter. I cannot say that it will be absolutely the present rate, because during the last two years there has been rather an abnormal increase.

765. Is it not the case that that average would include a time when preference was not given to telegraph boys, and that therefore more soldiers were appointed?—No, it is not, for this reason, that when the enlistment scheme was laid down in 1891, there was a saving clause in favour of the existing boys, and so the scheme had not really come into practical operation, except so far as to deter parents from sending fresh boys.

766. Then the scheme as originally designed by Mr. Raikes never actually came into operation, did it?—No, it never did; but the prospect had the deterring effect I spoke of.

767. Therefore, with the exception of allowance being made for recent increase of establishment, the figures you give will represent the normal, will they?—Yes, with the exception of the increase of establishment; but there was one other exceptional cause which operated to make the number abnormal, and that was a resolution of the House of Commons to extend the rural posts. That, so far as we can estimate, involved an increase, roughly, of 400 men. The amount in figures was 21,000*l.*, so that if we take an average of 50*l.* a year for a man, you will see it comes to about 400 men.

Captain *Bethell.*

768. What year was that resolution passed?—About two years ago; it was Sir Edward Birkbeck's motion. May I say that when I speak of 21,000*l.* as regards numbers it is equivalent to about 400 men, inasmuch as it was an extension of the rural delivery, it will be seen that in many of those cases it was a small or half-time duty extended into a whole-time duty, so that there you have a good illustration of the people who have claims being appointed to the establishment. Supposing some of these men had gone four miles in the course of the day for a short delivery, and the delivery was extended further on to eight miles and so on, the people who had done the shorter duty, and done it well, perhaps for many years, had a claim to the longer duty when the delivery was extended.

Lord *Wolmer.*

769. Did I understand you to say last week that it was a positive rule of the department now never to accept a soldier as a candidate except on the recommendation of the official authorities?—That is so. Of course I have known cases in which somebody, having applied on behalf of a soldier, and the department wishing to oblige, we have sent the man's name to the War Office, and asked them if they recommend him, but otherwise the case is as you put it.

Lord *Wolmer*—continued.

770. You gave us the figures of the percentages of dismissals among civilians and soldiers; do I understand that those figures apply only to the soldiers recommended to you officially?—They do, to those only.

771. In considering those figures, would it not be fair to remember that the civilians whose percentage of dismissals is rather lower than that of soldiers, had gone through the process of weeding-out as telegraph boys before appointment?—Certainly, and may I take this opportunity of discounting this matter still further by stating, and I am very sorry to state it, that the numbers I gave you of the civilians and the percentages last Friday were wrong.

772. Will you kindly correct them?—I will. Inasmuch as I have, with extreme regret, to plead guilty to producing wrong figures, perhaps I may explain how they came to be wrong, in order to be accurate. Every single appointment of both soldier and civilian and the papers connected with them were got out to be checked, and there proved to be the number I gave: there proved to be 6,092 cases, and the cases were counted as men, but several of those cases were duplicates, that is, of men not appointed but transferred, and the transfers were counted as appointments. I wish to make that explanation to show that it was not pure carelessness. The number of civilians I gave you was 6,092, the correct and proper number is 4,354. That, of course, throws out the percentages of dismissals. The percentages of dismissals were given as 1·05, the number as corrected is 1·47.

773. What about the figures as regards the unestablished; are they correct?—Yes, they are correct.

774. Repeat the numbers, please, as it will be convenient to have them all together?—Of the unestablished officers, 1,138 were soldiers, and of those 1,138 soldiers 87 were dismissed; that is, 7·64 per cent., or one in 13. Of the 2,359 civilians who were appointed to unestablished places, 99 were dismissed, that is 4·20 per cent., or rather more than one in 23.

775. It will complete the whole comparisons if you will give us the percentage of soldiers that were dismissed from the established posts?—The soldiers who were dismissed from the established posts were, out of 1,107 appointed, 30; that is 2·71 per cent., or 1 in 37. Of the 4,354 civilians who were appointed to established posts. 64 were dismissed, that is 1·49 per cent., or 1 in every 68.

776. Then I would summarise that by again asking you whether it is not fair, in making this comparison, to remember that civilians had gone through a process of weeding-out in their former capacity of telegraph boys, or temporary messengers?—Certainly.

Chairman.

777. The Committee gather from the figures you have given us that the telegraph boys take up nearly one-half of the substantive vacancies?—That is so.

778. Also

Chairman—continued.

778. Also that of the remainder the temporary postmen succeed to more than one-half of the residue?—Yes.

779. With the development of telegraphic business, I suppose the tendency is for a constant increase in the staff of telegraph boys, is it not?—Yes; every development of the business would add to the establishment, no doubt.

780. And therefore to the number who would claim to be provided with vacancies?—That is so.

781. Similarly, I presume with a constant increase of the urban population, and also the rural population of the country, the sphere of the department in the direction of employing temporary postmen, or partial time postmen, is constantly increasing, too?—Yes, that is so; there would always be a tendency in that direction.

782. Therefore the tendency would be for the residue of appointments available for the soldier to become smaller and smaller, would it not?—I cannot agree in that conclusion; I do not think it would.

783. But if the other two elements which go to make up the establishment increase, the third element must apparently diminish in volume, must it not?—I really do not think that it would. There is no doubt about it that as you increase the rural deliveries, the half-time men would grow into whole-time men. That is an increase which would be always going on, so also if the telegraphs are increased, the number of boy messengers would be increased; but then there is a co-temporaneous increase going on in the establishment in the towns, and amongst the established postmen.

784. Corresponding in amount?—Yes, I should think so; relatively it is.

785. With what official rests the decision of declaring that a temporary man becomes entitled to a permanent place?—The Postmaster-General.

786. Are all these cases referred to him?—No; I am wrong in saying the Postmaster-General. The Secretary decides in ordinary cases, but exceptional cases are always submitted to the Postmaster-General.

787. That is to say that the local officers over the country have not the power of deciding?—They have absolutely no voice in the matter. Headquarters, and headquarters alone are responsible, and if you want to find the person upon whom responsibility really rests in the long run, he is before you. I am wholly responsible. There is no other person whatever responsible. The postmasters have absolutely no voice in the matter.

788. The telegraph boys having been already employed in the Post Office department, and the temporary postmen also having been employed, and having been under observation, I suppose one would expect that there would be a somewhat natural bias in favour of selecting them in preference to selecting people who would be entire strangers to the department; do you think that is so?—No, I do not indeed. I think that, in the ordinary run, of two men, one a soldier, and one a civilian, other things equal, the sympathy of the department would unquestionably be in favour of

Chairman—continued.

the soldier; but, of course, if you have to choose between two people, one who knows what has to be done, and one who would be a stranger to the neighbourhood, I think you will see that the Post Office owes a certain duty to the public; and I am not at all sure that in some cases where the soldier is selected, if only you considered the interests of the public, you would not select the soldier, but you would select the man who knows the place.

789. That is considering the interests of the public, *quâ* Post Office work, is it not?—*Quâ* Post Office work. Of course you will see on the part of the postman, local knowledge is very important, and, I think, I may say in many cases that the Post Office has rather gone out of its way to take a soldier, when with a strict regard to the convenience of its own work, it would not have done so.

790. Having regard to the fact that the question of the employment of soldiers is looked upon by many people as a national duty, what should you say, speaking as far as you can dispassionately, is the attitude of the department in reference to that question?—I think this, that the department is endeavouring to carry out the system which has been agreed upon with the utmost loyalty, and I am very sorry to notice that there is an impression abroad that the Post Office does for the ex-soldier as little as it possibly can, and that that little it does grudgingly. I can assure the Committee that that is most absolutely wrong. The Post Office naturally has just as much regard for the ex-soldier as any other body of people, but it does feel that sometimes (you may think I am going a little too far) the efficiency of the Post Office is sacrificed to the employment of soldiers. Within limits, there is no doubt it is a capital arrangement, but the Post Office thinks that in certain cases it may be carried too far. However, even so, there is the system, and the system is carried out, and carried out loyally.

791. Supposing that there was no obligation placed on the Post Office by regulation to employ soldiers, and that they looked only to the ordinary public for the labour available, do you think the tendency would be to promote the temporary postman in a larger degree than at present?—Yes, unquestionably.

792. The evidence you have given as to the spirit of the department is highly satisfactory. Are you able to assist the Committee with any suggestions as to how far the principle which it is desired to establish can be extended still further?—There is one suggestion I can make, and this will very well illustrate what I am saying, that there is not the slightest indisposition on the part of the department to employ soldiers, because, as a matter of fact, we made the very suggestion I am going to repeat, and it was overruled. The ordinary maximum limit of age for what I may call the outsider for a postmanship is 30. We ourselves proposed and most earnestly pressed that for soldiers the limit should be extended to 35, so that we might take more soldiers, but we were overruled.

793. You are aware now, are you not, that the soldier, for the most part, leaves the colours at

Chairman—continued.

the age of 26 or 27?—We were aware of that, and we proposed that they should be admitted to the Post Office up to the age of 35, that was five years beyond the ordinary age of 30.

794. By whom, may I ask, was that proposal negatived?—It emanated from the Post Office, that is, the Postmaster-General, who wrote official letters recommending it, and it was overruled by the Treasury. The Treasury consented to extending the age slightly, that is, by two years, but they would not extend it to 35, as the Post Office recommended.

795. In what year was that proposal made and negatived?—Early in 1892. May I take the opportunity of making this statement? It has already been explained to the Committee that the only modification in the original scheme as laid down by Sir James Fergusson, is that now the telegraph messengers are not left unprovided for as they were before. It is true that those persons with claims are considered, but then that was also the case under Sir James Fergusson's scheme; it is common to both schemes. Out of the 5,000 or 6,000 appointments which have fallen to Mr. Morley since he has been Postmaster-General, the number he has given outside the two classes of telegraph messengers, and the persons with claims, exceptionally, has been only seven. I have here the particulars of the seven exceptions, and if the Committee will allow me, I should like to make known the grounds on which those exceptions were made. He appointed a postman at Sherbourne, and the ground on which he did so was that the man's brother, who was also a postman, was killed on the railway while in discharge of his duties. That was the ground on which the Postmaster-General made an exception there. Another case was at Middleton, in Ireland. A postman, after 22 years of unestablished service, had to retire without either pension or gratuity and his son, who had been employed six months as a substitute, was appointed in his father's room. In order not to weary the Committee, there is only one other case I would read, and I wish to read that because it well exemplifies the difficulties the Post Office is in in many cases. It was at Coatbridge in Scotland, where there was difficulty in obtaining a soldier, and so the nomination was given to a man named Cassells after six months' service. When I say there was a difficulty in obtaining a soldier, six were offered the post during 12 months. There was a constant change, some of these soldiers resigned, and some were dismissed, so I think that will show the Committee that the department does put itself to inconvenience in some cases, in order to carry out the scheme as to soldiers. You see there was an expense and inconvenience in giving instruction to six different men. That was an exceptional case; the number makes it exceptional, but more than one case of the kind occurs where two or three men are appointed.

Captain *Grice-Hutchinson.*

796. I think you stated that employment was offered to these telegraph boys on the condition that they enlisted after three years' service or so, did you not?—Yes.

Captain *Grice-Hutchinson*—continued.

797. Was any inducement or any hope of further employment in the Post Office, after they left the colours, given them?—Yes. If they served under the colours, then they were to go back into the Post Office and to be given an appointment, and not only so, but half their service under the colours, for the purpose of fixing their pay, was to count as service in the Post Office. For instance, if the scale of pay in the Post Office was 18*s.*, rising by 1*s.* annually to, say, 30*s.*, a lad who had served five years in the Service would be secure of an appointment in the Post Office, and would enter, not at 18*s.*, the minimum, but at 20*s.*, that is 2*s.* in advance, and would be deemed to have served six months towards his next year.

798. And yet I understand you to say that the quality of candidates deteriorated because the parents had a horror of their enlisting?—You may not be aware that there are certain classes who have a great horror of enlistment or anything to do with it; it is a melancholy fact, but it is so.

799. You say that the patronage in these rural districts is taken away from Members of Parliament and given to the postmasters of those districts now, I understand?—As a matter of fact the appointments of rural postmenships have been always retained by the Postmaster-General; the postmasters have never had anything to do with them.

800. You said that the postmaster applies to the regimental district, did you not?—Yes.

801. Is it optional or is it obligatory upon him so to apply?—Absolutely obligatory.

802. What are the qualifications of a man to fill a post of this kind with regard to educational or physical abilities; has he got to have an educational certificate?—Yes, he must get a certificate, and the subjects of examination (speaking of the appointments of postmen and porter) are reading addresses, writing tolerably a few lines, and in arithmetic, addition, simple and compound. The limits of age are for postmen not being soldiers 18 and 30, and for porters 20 and 30.

803. Do you think these instructions are carried out as regards vacancies?—Absolutely.

Captain *Bethell.*

804. Do you think that the Postal Service is popular amongst young lads and parents?—Yes, I think it is. We find no dearth of applicants, none whatever.

805. In country districts as well as town?—Yes.

806. As far as you are able to say, are the proportions of the different classes of men that obtain employment in the Postal Service definitely fixed now, to the best of your belief?—Yes.

807. Is there a rule established upon which you work?—Certainly.

808. So far as you know, and so far as you are able to say, is it fixed?—Yes. The establishment, of course, is fixed, you cannot add one to

Captain *Bethell*—continued.

to it. Then with regard to the unestablished force, it increases according as the Post Office duties increase.

809. And, so far as you know, has the Department now arrived at the proportion of the different classes which they propose to employ, such as so many soldiers, so many telegraph boys, or a percentage of soldiers and telegraph boys?—No, I cannot say that. Let us suppose, for instance, that a thousand established appointments fell vacant to-day; if the duties of these appointments were not the duties which grow from half time into whole time, I think it is highly probable the whole thousand would go to the soldiers.

810. Then the proportion is not absolutely fixed, is it?—No.

811. Do you employ any sailors?—Very few indeed; we have very few applications from sailors.

812. Is that because sailors are mostly pensioners, do you think?—I really cannot say the reason, but we have very few applications.

813. Do you ever get any applications from the Admiralty for the employment of sailors?—No; the Admiralty refused to have anything to do with it.

814. Have the Admiralty refused to have anything to do with the employment either of pensioners or the employment of men serving after 10 or 12 years' service?—I have here a letter which we have received from the Admiralty which will answer your question. (*The witness handed the letter to the honourable Member.*)

815. Have you many marines employed?—Yes; we have many marines.

816. Are they employed as carriers?—Porters or postmen.

817. The marines must be considerably over the age of the soldiers whom you as a rule employ, must they not, because they serve so much longer?—I think the same limits of age apply to marines as to others, and we have many marines.

818. As a matter of fact a marine engages for 10 or 12 years; therefore he would be a man over 30 when he leaves the service, would he not?—Yes; and we take soldiers up to the age of 32; we wanted to take them up to 35, as I have said.

819. Are the marines you employ employed in the same capacity as the soldiers, that is to say, as the short-service men?—Exactly the same.

820. But no sailors are employed, are there?—Very few. I think we have one sailor, and I happen to know him officially and privately. Officially he does his work well, and privately I know his home is a pattern.

821. May I ask where you get your marines from; who recommend the marines?—The recruiting officers at the different stations.

822. The association which looks after the marines is entirely distinct from the association that looks after the soldiers, is it not?—Yes; but we should in any case go to the military authorities if the association sent us names.

823. But no association sends you the names of marines, I understand?—No.

Captain *Bethell*—continued.

824. You deal with the association, I understand, to this extent: the main association, through its honorary secretary, sends you the names of soldiers, and then you are ready to send those names back to the War Office for confirmation?—I mentioned that as an exception. Someone sent to us to ask would we give employment to some soldiers he was interested in, and, in order to oblige him, we took the names and sent them to the military authorities. But we do not deal with the associations as a rule, it is only the military authorities we deal with.

825. As a matter of fact the service of marines and the services of sailors and blue-jackets is the same, therefore there does not seem to be any reason, does there, why the Post Office should not employ a certain number of blue-jackets in the same way as they employ marines?—No reason whatever, if they would only offer themselves, but they do not.

826. Then if sailors, after the expiration of their first term, offer themselves to the Post Office, the Post Office then apply to the Admiralty, do they?—Yes, I think we should. Of course they ought to apply through the naval authorities, just the same as the soldier applies through the military authorities, but inasmuch as we have not the same machinery with regard to the Admiralty as we have with regard to the War Office, I am inclined to think that if sailors did apply we should simply consult the Admiralty about them and, if their characters were good, appoint them.

827. May I ask whether you realise the broad distinction between the employment of soldiers and the employment of marines and sailors, which is this: that soldiers are obliged to leave the Army after a few years' service, and sailors and marines are not obliged to leave their respective professions at the end of the first term, but have a right to go on?—I had not realised that, but I am bound to say, even if I had, of course we are bound by our regulations. Our regulations are imposed upon us by a higher authority as to limits of age, and therefore we could not make an exception, however willing we might be to do so.

828. At any rate, the question, so far, has not been considered by the Post Office, and as regards sailors generally you have not got any special information, because you do not employ them to any extent, do you?—That is so, and as the honourable Member has already heard, whatever their service is in the Army, as a matter of fact we have many marines in the Post Office.

Mr. *Brookfield.*

829. I understood you to say that the Department had carried out the intention of employing soldiers more thoroughly with the utmost loyalty, did you not?—That is so.

830. Was not that rather a strong expression, under the circumstances?—I really do not think so.

831. I am referring more particularly to the changes made by the present Postmaster General on his assuming office. He at once, or almost at once, abandoned the system of passing the tele-

Mr. *Brookfield*—continued.

graph boys through the Army. You said that he did so because he found by experience that he got a worse class of boy. May I ask what that experience was, and how long that experience extended, because in another passage I understood you to say that the scheme had not come into actual operation when Mr. Morley took office?—That inconsistency is more apparent than real. It is quite true that the scheme had not come into operation, but the apprehension or prospect of the scheme coming into operation deterred parents from sending in their boys, as they had done before. There was a deterioration of the class of boy in consequence of the apprehension created by that scheme.

832. Do you consider, as a new experiment, that it was given a fair trial?—I do indeed.

833. As to the lady clerks employed in the Office and the employment of women, that was a new experiment, was it not?—Yes.

834. What length of time has been given to that experiment, and has it been found to be a complete success?—Quite a success, and it has been in operation now, I should think, about 23 years. It began, and because it was successful as an experiment it has increased and has gone on growing.

835. There was some little friction at the commencement of the experiment, was there not?—I do not think so.

836. Were there no complaints about them?—No.

837. Do you attribute to this reluctance of parents to send their sons into the Department Mr. Morley's abandonment of the experiment of passing boys through the Army?—Practically, yes; but I would rather that it should be taken in its later stage not as the reluctance of parents, but as the deterioration in the boys in consequence of the reluctance of the parents.

838. Do you think that there was sufficiently long experience of this change to decide against abandoning the scheme?—I do indeed.

839. Though the scheme had not come into actual operation when Mr. Morley took office?—I do indeed. I should like to say a few words upon this question. I think you said that Mr. Morley altered the scheme directly he came into office. That is hardly the case; it was not altered until August 1893, and before he altered it he thought it well to call for the opinion of the practical officers in some of the largest towns in the kingdom. I have in my hand a digest of what these practical officers say. The inspector of telegraph messengers at the Central Telegraph Office has to go and see the boys and see their homes before they are selected, and see whether they are proper boys for selection, and his testimony is that the best boys do not now present themselves as candidates, as they did, or that they declined on learning the conditions. The postmaster at Birmingham, who has under him, roughly, I should think, 1,200 people, reports that "Parents strongly opposed enlistment. Discipline over the boys already weakened, as they have little to lose and probably intend to leave at the first opportunity." That was the dread of going into the Army. The postmaster at Manchester, who has under him

Mr. *Brookfield*—continued.

1,500 people, reports, "Absolute dearth of suitable candidates. Parents will not consent to new conditions." The postmaster at Cheltenham, which of course in point of size is not to be compared with the other places, but the postmaster of which happens to be a very intelligent man, whose opinion is worth having, says that 90 out of 100 candidates decline employment, and the boys now employed set little value on their position. The postmaster of Chester says that boys of an inferior class will probably have to be taken.

840. That means socially, I suppose. What does he mean by "an inferior class"?—Less sharp, less intelligent, and inferior in education; boys who would not be fit for established appointments when the time came. All the rest of the testimony is to the same effect.

841. I have only one other question to ask you. Do you not think that, after those initial difficulties of unwillingness and want of public spirit of the parents, and so on, have been got over, the Army would soon be regarded by the parents as the natural avenue to the postal service, and that then the reluctance would subside, and they would become accustomed to it?—They might, but there is also another question, that the Post Office is bound to have, at all events, some regard to its own interest, and I think it will be obvious that lads who have given four or five years of their life to learning their duties are more likely to do those duties well than lads who have been serving in the Army. The Post Office, with every desire to oblige, and with every desire to carry out this scheme loyally, is bound to have some regard to its own interests, which are really the interests of the public.

Chairman.

842. With reference to the question just put by the honourable Member for Rye with regard to the conditions of military service as applied to the telegraph boys, was that condition applied to the boys then in the Department when the order came out, or was it merely made prospective with regard to future entrants?—It was made prospective with regard to future entrants only. All the boys in the service, up to November 1891, were to be given places, but after November 1891 they were to pass through the Army.

843. How many months after November 1891 did this correspondence arise regarding the deteriorating effect which it would have upon the admissions?—The alteration of the rule was made in August 1893, and the correspondence would presumably have been taking place for two or three months immediately prior to August 1893. I have not got the correspondence here.

Colonel *Lockwood.*

844. It is the case, is it not, that Mr. Raikes' and Sir James Fergusson's schemes diminished the patronage of the Post Office officials?—Not Mr. Raikes' scheme; Sir James Fergusson's scheme would; but allow me to define the term "patronage of the Post Office officials." The appointment of rural postmen was always in what is called the patronage of the Postmaster General; that is, he gave it to the Members for the

Colonel *Lockwood*—continued.

the division. The only other patronage which it diminished was the appointment of postmen in country towns. Previously, for those places the local postmasters would have got the best people they could in the place to take those appointments, but since then they have had to report vacancies to the military authorities of the districts. You will observe I have adopted your own word "patronage," but I am bound to tell you that the word "patronage" is hateful to the Post Office; we do not admit it for a moment, and with regard to postmasters, I do not suppose they value those appointments the least in the world.

845. I suppose they are only human though, the same as we all are?—They have not the same interest as members have in giving them, their great object is to look out for men suitable for the post.

Mr. *Austin.*

846. In the period that elapsed from the operation of Mr. Raikes' scheme, could you tell me what percentage of dismissals you had among the boys which would account for the depreciation of the class of boys that came in?—I am sorry we cannot give that.

847. Is it from experience that the Department has come to the conclusion to modify the scheme of Mr. Raikes and Sir James Fergusson?—Certainly.

848. Do you believe that that is essential in the interests of the public service?—Absolutely. If you want my private opinion, the scheme of the telegraph messengers serving under the colours was simply disastrous for the Post Office. On my own experience, and with every desire to do what one can for the ex-soldier and to assist recruiting, I think it was simply disastrous. I think that it was trying to combine two objects which are not only unlike but are conflicting. We wanted people who would do the Post Office work well, and that should be the main aim in view of the Post Office; but instead of that it sacrificed its main end to another end; I admit an excellent end; but an end with which the Post Office had nothing in the world to do. I cannot express my opinion too strongly on the point.

Mr. *Brookfield.*

849. May I ask whether the corrections you have made in his figures on the subject will be made in his former evidence the other day?—If the Committee will allow, I will, when the proofs come to me, correct the figures and make them right.

Mr. *Austin.*

850. Does the reserve soldier entering the Post Office get the same rate of wages as the civilian?—Yes, exactly the same.

851. Is there any tendency in the Postal Department to avail themselves of the services of the reserve soldier if he went under the pay of the civilian in filling the same position?—*Cæteris paribus*, the Post Office always gives the appointment to the ex-soldier. The soldier has prior claims.

852. But do you think the economy which guides the Post Office and a great many of the

Mr. *Austin*—continued.

public departments would lead them to avail themselves of the services of the soldiers, as against civilians, if the former went at lower wages than the civilians, having their reserve pay taken into consideration?—I understand the question is: Would the Post Office, with a view to economy, take the ex-soldier if it could get him cheaper? Certainly not; the Post Office has not the power of varying the wages in that way; the wages are fixed, and they must give those wages whoever does the duty.

853. What is the cause of the wages varying so much with regard to postmen?—Chiefly the length of the walk.

854. Do you think under those circumstances that the Post Office avails itself of the reserve soldier for rural postmen as against the civilian?—Unquestionably, unless the civilian has claims.

855. How is it that in many rural districts, the distances being the same, the wages vary?—There are a variety of causes. Some places are unquestionably cheaper than others to live in; house rent is cheaper. That brings out one of the difficulties with which the Post Office has to cope. You find town postmen have one scale, and then the rural postmen, working from the town, have another scale. I think you will understand that there is always a tendency on the part of the postmen to endeavour to level up, and it is an extremely difficult thing to appropriate the wages properly, so that it very much depends on the neighbourhood of the large towns with which they are connected.

856. Do I understand that at present the Post Office authorities avail themselves of the soldiers for rural postmen?—Unquestionably.

857. Do you not think the very fact of a soldier having reserve pay would influence the department in availing themselves of his services as against those of the civilian who has nothing behind him to sustain him?—Except in the place of what we call temporary appointments with very small wages, it would not influence the decision at all. It would in the case of small employments for this reason,—we make a rule in London that no man shall be employed in connection with the Post Offices unless his total income comes up to 18*s.* a week. So that if the temporary appointment was worth, say, 14*s.* a week, and there was the civilian who had nothing else and the soldier who had 4*s.* a week reserved pay, of course, the soldier could be employed under our regulations, and the civilian could not. It is not thought desirable that the Post Office should have in its employment people with wages under 18*s.* a week.

858. Taking the soldier who has the reserved pay of 4*s.*, he has a distinct and decided advantage over the civilian in seeking employment, has he not?—That is so in regard to this temporary auxiliary employment of which I have spoken. With regard to permanent appointments, that is, employment on the establishment, where the wages presumably begin at about 18*s.* or thereabouts, we should take into consideration the question if he was a soldier, but not the question of whether, as a soldier, he received any pay.

859. Do you think that the fact of a man

Mr. *Austin*—continued.

serving as a soldier militates against him in obtaining employment in after life?—Speaking for the Post Office, so far from its operating against him, it operates in his favour.

Mr. *Benson.*

860. The Post Office has to employ a large number of civilians, has it not, and cannot get enough suitable soldiers, for various reasons?—Yes.

861. And has, therefore, to pay a rate of wages sufficient to attract a good class of civilians?—Yes.

862. And it cannot pay the soldiers whom it employs anything less than that rate of wages which is sufficient to attract a good stamp of civilian; is not that so?—That is so.

863. Is that the explanation of the difficulty which has been put to you by the honourable Member?—That is so.

864. In the case of rural postmen, or of any postmen, is it a requirement that they should have resided in the neighbourhood where their duties will lie?—That is not a requirement, but it almost always is the case.

865. You do not insist, in the case of a rural postman, for instance, on his knowing his way about the neighbourhood, do you?—No, but I should think, in 999 cases out of 1,000, the man who was recommended for the post of rural postman, before the soldier-scheme came in, was unquestionably a man in the neighbourhood.

866. A man would not take it unless he was, would he?—No.

867. You said when a rural postmanship is vacant the postmaster applies to the headquarters of the regimental district?—That is so.

868. If they cannot recommend him a man, does he apply anywhere else; does he apply to the War Office?—He applies to the next nearest military authority, and so on.

869. I asked the question for this reason. It occurred to me that there might be an old soldier or a reservist living in the place, and the appointment of postman there might fall vacant, and he might be the man who would be ready to take it, but he might not get the chance because the regiment in which he had served did not belong to that regimental district. Is not that a thing which is liable to occur?—Yes, I think it is. But then the application is sent on from military authority to military authority.

870. So that you do not think, do you, a large number slip through the net in that way?—No.

871. You told the Committee that the Post Office made a proposal that they should be allowed to raise the limit of age for appoinements in the case of these soldiers. Can you tell us on what ground the Treasury overruled that proposal. Do these men at the expiration of their civil service receive a pension?—Yes, if they have served long enough to become entitled to a pension in the Civil Service. They must serve as much as 10 years, then after 10 years their pension in-

Mr. *Benson*—continued.

creases by one-sixtieth for every year of service, beginning from the first year. Where a civil servant has served 10 years and retires, he receives ten-sixtieths of his pay, if 11 years, eleven-sixtieths, if twelve years, twelve-sixtieths, and so on up to 40 years, when he receives forty-sixtieths, and beyond that nothing.

872. And on the obvious ground of economy the Treasury overruled that proposal, I suppose?—It was supposed it was economy, but that I cannot admit, for if you took a man in at 40, and he retired at 60, he would have only twenty-sixtieths of his pay, whereas if he came in at 30 and left at 60, he would have thirty-sixtieths, so that on the whole it is very nearly as broad as it is long.

873. Was there any further ground?—That I will not say; I cannot carry it in my recollection.

874. Besides these out-door appointments you of course have a large number of men employed in-doors in the Post Office. I suppose their occupations are mostly of a sort which you would prefer to get a man learn young?—Yes, it must be so; the places you refer to are for the most part sorters. It may not be generally known to the Committee that for a sorter you want great suppleness of joint and power of manipulation, and it is perfectly well known that there are certain occupations, such for instance as that of postman, where exposure to the cold does not conduce to those conditions, but rather to stiffness of joints, and it is very desirable therefore that those men should commence their work when young. Soldiers would not be fit for that work at all.

875. In short none of the employments inside the Post Office, I understand, are available?—There are the porters of which we have spoken. They are eligible for that, but with regard to sorterships, they would not be eligible.

Mr. *Austin.*

876. I understand you are secretary in the Post Office, are you not?—Yes.

877. Can you give me the minimum to the maximum wages of rural postmen in Great Britain?—I cannot carry them in my head.

878. Can you tell me if the wages paid in Great Britain are the same as in Ireland, or are they lower in Ireland?—I think this will give the honourable Member the information which he asks. (*The Witness handed a document to the honourable Member.*)

879. Are these rules always adhered to?—Absolutely, we have no power of going beyond the establishment, but will the honourable Member pardon me for saying that I have not come supplied with information to enter into the rates given to the rural postman. I am afraid therefore that I shall be found very much wanting in information. I did not know that I should be examined on that point.

Mr. JAMES SOMERVILLE LOCKHART, called in; and Examined.

Chairman.

880. YOU are Secretary, I think, to the Civil Service Commission?—I am.

881. You are perhaps aware of the evidence given by the representatives of your Commission before the Committee on this subject, which sat in 1876–7, are you not?—I have not it fresh in my recollection, I am sorry to say.

882. This Committee are now entering into rather a new scope of the inquiry. We have been hitherto dealing with the case of the employment of soldiers who have no education, and who are employed chiefly in manual work, such as postmen; but we now have to consider the case of soldiers who are of sufficiently good education and attainments to render them eligible for clerical work. The evidence given by your Commission before the last Select Committee was to the effect that while of course the retired soldier, like any other citizen, is eligible to present himself for the competitive examination, practically a man who had been removed from school or means of education of any kind for a good many years, was very severely handicapped as compared with a young man fresh from school or college, and that therefore in their case the condition of being eligible was really of very little value, and that, although a soldier was allowed to deduct so many years from his age to make him eligible for competition, still practically he was not able to compete with advantage to himself. Since that time, as you are aware perhaps, the conditions of Army service have been entirely altered. Soldiers, instead of holding on for a pension and coming into civil life at middle age, now return after a service of as little as three years in some cases, but generally after six or seven years service. Therefore their degree of competence to compete is considerably altered. The Committee would like first to inquire from you whether it is not the case that the class of competition is of two kinds, a competition for the higher clerical appointments for which very considerable qualifications are required, and also a *quasi* competition for the subordinate copying clerkships?—That class has now been abolished, or it is an expiring class. A good many old soldiers used to be admitted to it, but it is being done away with practically, and its place will in future be taken partly by boys, and the superior work, such as it is, done by it, will be taken by a new class called abstractors or assistant clerks.

883. We must not, I suppose, confuse these abstractors with what is called the Second Division?—No, they are below the Second Division, performing simpler duties.

884. What is the nature of the test?—It is very simple; handwriting, orthography, arithmetic, English composition, digest of returns.

885. Is the test conducted by the Civil Service Commissioners?—Yes, it is conducted by the Civil Service Commissioners, but it is to be competitive.

886. At present what is it?—At present it is in the promotion stage, that is to say, the existing

Chairman—continued.

writers are being promoted by their departments to it, and they come in with a qualifying examination, but when all the fit people have been promoted, in future the intention is to make it open to competition.

887. That is to say, that a department present one of their copyists to you, and if you are satisfied as to his competence then you intend to give him a permanent appointment; is that so?—Yes, he then becomes a permanent servant, with a right to pension.

888. What is the sort of remuneration given to this class of abstractors?—Speaking roughly, it is from 80*l.* to 150*l.* with superannuation.

889. Then hereafter, as I understand you say, it is to be composed partly of boys?—No; the boys will be separated. The simpler work of the whole copying will be given over to boy clerks, and the superior part of the copying work will be given to this new class of assistant clerks or abstractors.

890. What will become of these boys when they grow to manhood?—At the age of 20 they go, but a decidedly good proportion of them I think get places in the Civil Service generally. There are large competitions, you know, such as for the Customs and Inland Revenue, but those who are boy clerks established by the 1876 order, have a certain privilege; that is, they compete amongst themselves for a certain number of vacancies for the Second Division. If there are 100 boy clerks who enter for the Second Division, 25 vacancies are given to them at the open competition. One vacancy goes to every four candidates.

891. Those who are past the age of 20?—No, they must be under 20; they must compete as boy clerks under the Order in Council.

892. I suppose there would be a kind of obligation to give preference to them to a certain extent; you have a guarantee of their conduct and character, and therefore, *primâ facie*, if they are otherwise eligible they are a desirable class to promote, are they not?—Yes, they are a desirable class to promote, and I think the idea of the persons who started the scheme was that they were ready trained to your hand.

893. The regulations assume that only a certain proportion of these will be taken, I suppose?—Yes.

894. What becomes of the remainder?—Some, of course, go into business; others enter the Second Division in the ordinary way by open competition, or try for the Excise or Customs Service; but a certain proportion, what proportion I cannot now say, must go.

895. With regard to the ex-soldier, who is now comparatively quite a young man, the qualification required is of a very simple character; can you say that an examination among candidates to test their powers of writing accurately, in a legible hand, is in the nature of competition in the proper sense of the term? That is to say, can you differentiate between a large number of candidates when the subjects for tests are very

 simple?—

Chairman—continued.

simple?—I believe there is not much difficulty. When I say not much difficulty, I am bound to say, if we had our way in the matter, we should facilitate our own working by increasing the range of the examinations somewhat.

896. In a matter of this kind, if you have a very slight qualification, the competition does not afford a useful means of selection, does it? That is to say, if you have 100 candidates, all of whom write well, one man is as good as another, is he not?—You mean for practical purposes, but we are bound by rules.

897. As there are now returning to civil life some thousands of young men every year, it is of consequence, in view of the constant and increasing expense of the Army, to so regulate it that certain attractions should be offered to the soldier which will prevent further increase of the expenditure on the Army in the form of pay and allowances and considering the very large number of intelligent and well-educated men there are in the Army now, would it not be practicable, in your opinion, without any injury to the public service, to secure that a certain number of these subordinate appointments should be given to the soldiers, either by competition amongst themselves, or by a selection, according to their character on leaving the Army?—Of course, I am only giving my personal opinion on the matter. I should be quite content with a scheme which would allow soldiers to compete among themselves for appointments of that character, the standard, of course, being adjusted by the Civil Service Commissioners, who would take care that persons who are decidedly below the standard considered necessary, should not be allowed to appear on the list of successful candidates. With that qualification, personally I should be very glad to see the soldiers come in.

898. You might either have it, I suppose, by competition amongst the soldiers or a certain standard of qualification?—One way or the other, so that a certain limited number of vacancies might be assigned.

899. Why a limited number?—I think because the public have their rights too.

900. But is not the soldier as much a citizen as anyone else?—Yes; but they may come in in large numbers, and it would not do if everything were assigned to them by right.

901. But has he not done a great deal for the country which no one else has done, in that he has taken on himself voluntarily the service of defending the country, going to bad climates, encountering disease and hardship in various ways, and also submitting to the drudgery of discipline; it is true, perhaps, not from altruistic motives; but still, whether from such motives or not, with a beneficial result to the country, in that it is spared from any obligatory service; does not the class which does all this for the country have a considerable claim on it in return, more especially if you consider that these men have been withdrawn for many years from civil life, and therefore have failed to establish that sort of interest which other young men who have stayed at home have established?—Yes; I feel the case for the soldier very strongly indeed; but I do not think it possible that such a system as is suggested could be introduced without qualification and safeguarding.

902. What qualification, may I ask?—The limitation of a certain number of vacancies.

903. That is to say, that the country generally should be considered to go shares to a certain extent with the ex-soldier; is that it?—Provision should be made for the ex-soldier.

904. You are aware, perhaps, that in almost all the continental nations the ex-soldier has a monopoly by law of the appointments in the public service; in France and Germany, for example, almost the whole of the civil situations under the State are reserved for soldiers?—I was not so aware.

905. Will you take it from me that it is so?—Yes; but the conditions in the two countries are very different.

906. Would it, then, strike you that this is a condition carried out in countries where military service is obligatory; that is to say, where the State can obtain a soldier without offering terms; whereas, with us, under a voluntary service, it becomes really a matter of national importance and public policy to make the military service attractive?—Certainly.

907. When you speak of giving a proportion, have you in your mind what that proportion should be?—No, I am afraid it would be impossible to arrive at a notion of that, because one does not know the actual vacancies or the possible vacancies, nor does one know the possible number of candidates. Of course, it is a very hazy impression one can get from inquiries addressed to the office by soldiers who are looking out for vacancies in the Civil Service in the competitions we are now talking about; they seem to me to be very few.

908. It may be, may it not, that that is due to a certain extent to the fact that soldiers coming home, especially from India, do not know the rules of public service, and what the openings may be?—That may be so, no doubt.

909. Supposing there was any agency for acting as a go-between between the soldier and the public service, would the Commission you represent find any difficulty in establishing a test which would safeguard the interests of a public department so far as securing sufficiently good men went, providing they came forward in sufficient numbers to take these posts?—I do not see any difficulty about that.

910. Is your examination always held in London for this subordinate class?—It will be held over the country when it comes into force; it would not be confined to London.

911. Do you send out an examining staff to certain centres?—Yes, the papers are sent to certain centres, and then returned to London.

912. The papers being examined in London?—Yes, on the spot, but the candidates are examined wherever it is most convenient to have centres in the large towns, places like Portsmouth and Plymouth and so on.

913. But the superintending officer supervises the mode of conducting the examination I suppose?—As a general rule.

914. But

Chairman—continued.

914. But the papers are sent to London, are they, to save candidates expense?—Quite so.

915. Then, what do you say about the medical examination?—The medical examination we now conduct as far as possible locally, that is to say, we send a man to a doctor who represents the Commission as near as possible in the candidate's neighbourhood, or as close to him as possible. As a general rule by way of saving a little expense the Post Office have been very good in the matter by allowing us to make use of their doctors.

916. Who are State doctors, are they?—No, they are not State doctors. I do not know what the precise arrangement is, but they act for the Post Office.

917. Are they retained by the Post Office?—Yes, they are retained.

918. You do not, of course, in your examination go into character, do you?—Yes, we do; we go into age and character.

919. Do you follow up all the inquiries?—Yes, we follow up all those points.

920. Is that to the extent merely of being satisfied that the certificate of character is *bonâ fide* and sufficient?—No; it goes into all the points of trustworthiness, honesty and sobriety.

921. Is that on the certificate?—We make our own inquiries in addition.

922. For instance, if you have a man's certificate of discharge in addition you make independent inquiries through an agency of your own?—Yes, through our own officers.

923. Do you mean by writing to referees?—Yes.

924. In the case of the soldier, I suppose you would have a guarantee as to character which you would not have with respect to any other class, namely, his official certificate?—As administered under War Office rules now, certainly the persons who are recommended by the military authorities are or ought to be perfectly safe in all respects. The only drawback is that in one or two cases we have found instances in which perhaps a point has been stretched in favour of an individual.

925. On the official certificate?—No, on the recommendation. I will not say the certificate. But men have been recommended who are not really eligible, and a case like that of course might slip through.

926. However, the question of test of character I suppose could be easily settled, and a rule could be framed without any difficulty, could it not?—Yes, but the existing system is sufficient.

927. To turn to Division 2 of the Civil Service, there again the examination is of a more elementary kind, is it not?—It is tolerably so.

928. What are the qualifications that are required for the Lower Division?—A candidate must be ready to do any of the ordinary routine of clerical work. The tendency of things now is rather to improve his position, and to make him eligible, if he is fit for it, for promotion to a higher grade.

929. Do you require any test in languages?—Not at present; we should like to.

Chairman—continued.

930. Arithmetic, I presume you do?—Yes, arithmetic to an alarming extent for persons who have learned to be familiar with examinations.

931. Here again, supposing it was determined in the public interests that a certain proportion of these appointments in the Lower Division should be reserved for soldiers, would there be any difficulty in carrying out through your department a satisfactory test which could be quite as high as the test prescribed generally for other classes?—Of course we could examine in anything, or examine them up to any standard, but it is a question whether the result would be satisfactory.

932. In what way do you think it might be unsatisfactory?—I speak with great diffidence, because my own experience is slight on the point. I think it points to this conclusion, that while soldiers make excellent messengers and that sort of thing, their excellence as clerks is not frequent. But I speak with very great diffidence.

933. Are you aware that in the Army there is a very large establishment of soldier clerks?—I have heard of that.

934. Many of whom are excellent accountants, who write excellent hands, and who have characters of a very high class. Out of some 16,000 or 17,000 men who are discharged every year it would not be unreasonable to expect, would it, that you would have 300 or 400 men who at least would be up to the standard of education, be fit for the position of a junior clerk; that would hardly be a surprising result, would it?—I should not be surprised at that at all.

935. Then out of that number it would be possible, would it not, to a great extent to fill up part of the appointments of the Lower Division of the Civil Service?—That might be done.

936. Because there are a great many soldiers who are very uneducated, it does not follow that there might not be a few who are very well educated, does it?—Quite so.

937. The Civil Service Commission conducts its proceedings so far as they are not regulated by Statutory Orders under the general direction of the Treasury, I think?—No, hardly so. Regulations are settled by the Department concerned and the Civil Service Commissioners subject to the consent of the Treasury, but the Second Division regulations are under an Order in Council, so that there is no discretion allowed either to the Treasury or the Civil Service Commissioners.

938. The Treasury have no power to alter the regulations under which you work, have they?—As far as the Second Division goes the regulations are fixed by an Order in Council. The power that makes an Order in Council can no doubt revoke that Order.

939. To what Department do you address yourself in connection with the business with which you have to correspond with the Government?—A Department writes to us and says we want a certain office filled up.

940. But with regard to any general procedure of your Department, what is the custom; does the communication always go to the Privy Council?—

Chairman—continued.

cil?—I do not know anything more than that it goes to the Treasury.

941. Then we may take it, I suppose, that the Treasury is the superior office as regards the Civil Service?—The Civil Service Commissioners are totally independent as regards the administration of regulations. The schemes for non-competitive situations are settled by the Civil Service Commissioners and the chief authorities of the departments, subject to the approval of the Treasury. Regulations for competitive situations included in Schedule A. of the Order in Council of 4th June 1870 are passed by the Civil Service Commissioners and approved by the Treasury. The Treasury can thus negative a scheme proposed by the Commissioners, but the latter can refuse, if they think it right, to assent to a proposal from the Treasury.

942. Who is the final authority for regulating the Civil Service Commissioners?—When regulations are fixed by Order in Council, as in the case of the Second Division, the Treasury, as representing the Government, is the final authority for legislative purposes. For administrative purposes, as I said above, the Commissioners are wholly independent.

943. But who is above the Treasury?—That is beyond me.

944. Can you say whether many ex-soldiers or sailors are serving as Civil Service clerks in the Lower Division at present?—I could not say that offhand, but my impression is that there are very few soldiers.

945. You know that there are some, do you?—I could not even say that.

946. Not even one?—I am not in a position to say. I can only give you an impression. I can obtain the information for you.

947. I wanted to ask if there were any if they have passed a competitive examination. Would they have passed a competitive examination?—If they are in the Second Division, certainly.

948. Do they pass the same examination as any civilian would pass?—Yes, exactly the same.

949. Can men who are well educated in the Army as clerks, such as quartermaster-sergeants, colour-sergeants, and sergeants compete for these higher classes of clerkships?—Yes.

950. Would they have any advantage given to them in examinations over civilians?—No, they would not.

951. No advantage whatever?—No advantage whatever.

Mr. *Benson.*

952. Not as to limit of age?—Yes, they may deduct all their years of service, but they would have no further advantage.

Colonel *Murray.*

953. In the recommendation of the Committee which sat on this subject in 1877, they said that in examinations for civil appointments care should be taken to give weight to branches of knowledge which sailors and soldiers would be likely to have had an opportunity of acquiring; do I understand that that recommendation is not carried out at present?—No, I do not see any trace of that in the Second Division scheme.

Colonel *Murray*—continued.

954. That was the report of the Committee of 1877, which recommended that, amongst other things; are certain standards of value given to the military certificates which are obtained in army schools?—No, I do not think so. I think, in the case of the military prisons, a person is exempt from examination who holds a certificate, but I do not think there is more than that.

955. There is no special standard given for military certificates which men are able to get in the army schools, is there?—No.

956. Can you say whether the teaching in military schools adapts itself to the knowledge required for Civil Service examinations?—No, I do not know that at all.

957. You stated, just now, that arithmetic was very much required in the Civil Service examinations, did you not; do you mean high mathematics?—No, but the questions in arithmetic are difficult.

958. That would not press out the soldier from these examinations, would it; it is not high enough to do that, is it?—No, not necessarily; but the competition is extremely keen.

Colonel *Lockwood.*

959. There are a great number of candidates, are there?—Yes, a great number of candidates.

Mr. *Benson.*

960. I suppose the soldier going into this examination would be an older man than the average of candidates, would he not?—Yes. I think, for an abstractor the maximum age is 25, while the maximum of age for the Second Division is 20.

961. That is not the case where the examination is competitive, is it?—Yes, the maximum of age is 20.

962. The mere fact of age would rather be a disadvantage in a competition of that kind, would it not?—I should have thought the soldier would be at a disadvantage in entering into the competition, because even if he has been carrying on his education he has not been giving his mind to examinations, whereas a civilian who is going in for the Civil Service is practically continually at it, until he either becomes too old, or gets in; between the years of 17 and 20 he is in constant practice.

963. The disadvantage an older man who has been at work of a different kind for some years experiences in the competitive examination does not in anyway indicate that he is a less capable man, does it?—Not at all.

964. Or less fit to perform in this case the kind of work which he will have to perform?—Not a bit.

Colonel *Murray.*

965. Would it be possible to give weight to the words of the recommendation of the Committee to the branches of knowledge which soldiers might have acquired during their ordinary career in a competitive examination for the Civil Service?—We should require information as to what those subjects were, but I do not see *primâ facie* any difficulty in giving effect to the recommendation

Colonel *Murray*—continued.

recommendation it would only be including any alternative subjects which they would naturally take in Army schools, and so on. But I have no knowledge of the subjects.

Mr. *Benson.*

966. Then in the ordinary class of appointments we have been speaking of, would you be willing to see a certain proportion reserved for Army men?—Yes, that is, such situations as abstractors, and officers of customs, and excise.

967. In fact, they are roughly the same sort of appointments which were dealt with by the previous Committee which sat on this subject in 1876, are they not?—Yes.

968. You do not think there is much change, I understand, in the kind of appointment and the kind of qualification, do you?—No.

Captain *Grice-Hutchinson.*

969. Do I understand you to say that any exception as regards age is made in favour of reservists?—Yes, they may deduct from their age for open competition any time that they have served; practically it does not matter how long they have served. I think, in non-competitive matters, in almost every case, a certain allowance is made, and they are let in up to 35 or 40 as a rule.

970. What sort of posts do these second division clerks fill; in what departments are they generally?—In every department. There is a certain number of them practically in every department.

971. How are these examinations conducted as regards supervision?—By officers appointed by the Commissioners.

972. What are the qualifications. They are appointed as overseers, I suppose, to see there is no cheating or cribbing?—Quite so.

973. I suppose their qualifications for that sort of work are very slight, are they not. There is no particular talent required, is there?—The thing is to have a very sharp and vigilant eye.

974. Do you not think that retired non-commissioned officers, or men of that stamp, who have been always used to keep a very sharp eye over men, would fill those posts very well?—I should think men of that stamp would be useful as messengers, but the superintendents require special training and experience for the work.

975. Surely, if a retired officer is fit for these posts, a good non-commissioned officer might fill them equally well?—I should think there was a risk there.

976. Why?—Of making mistakes. You require a person of tact and education to deal with questions relating to breaches of rules, &c. A mistake in such matters would be serious.

977. But all they have to do is to sit in the room so many hours, and keep a watchful eye, and see there is no breach of the rules and regulations, I suppose?—Yes.

978. I do not see myself why a good colour-sergeant or a good quartermaster-sergeant, or anybody of that sort should not perform that duty just as well as a retired commissioned officer?—I think they might be of assistance, but I do not think it would do to put them in charge of a large room, because there are questions involving management and tact. Then they perhaps would not sufficiently impress the large body of competitors, but the conditions of course vary with different examinations.

Captain *Grice-Hutchinson*—continued.

979. You would not recommend anything of the kind, would you?—I should not like to be responsible for recommending it.

Captain *Bethell.*

980. Do men who have been in the Navy enter into these examinations at all, do you happen to know?—My impression is that they do not at all, as far as I know. They have the same extension as to age, and so on, but I do not ever remember receiving an application from any sailor on the point.

Chairman.

981. Would you like to add anything to your evidence?—Mention has been made of sailors. There are these nomination posts in the Customs Department, such as boatmen, and there are a considerable number of them. People are nominated to them occasionally who come from sedentary occupations who are not well suited to the life of boatmen, and have not very much experience of boating. They go in, and although they are all right in health to begin with, occasionally they do break down afterwards, and cannot stand the work. That would seem to me a class of appointment which sailors and marines, if not soldiers, at all events might fill.

Mr. *Brookfield.*

982. Those appointments are at the present time in the patronage of the Secretary, are they not?—They are; but I think either soldiers or sailors might be advantageously considered in that connection.

Chairman.

983. Your department does not deal with the appointment of messengers, does it?—Yes; we have to examine the ordinary messenger, that is, the permanent messenger. Up to a few years ago there was a large staff of temporary messengers, consisting mainly of old soldiers, and we also examined them, and certificated them; but that system has practically been stopped. It was not found to work satisfactorily, from no fault of the soldiers, but from the fault of the system.

984. What is going to take its place?—A Committee has recently reported, which proposes that, in certain cases, where offices have nearly continuous employment for messengers, in addition to their established messengers, that they shall take on soldiers, employ them until 60 years of age, then let them go with a gratuity, but they are not put on the establishment. Then, in addition to that, I think they propose that Commissionaires should be employed.

985. What is the sort of test which you put them to?—I think, reading, writing, and a few sums.

Mr. *Benson.*

986. Are you an advocate of reserving a certain number of appointments for soldiers in certain branches of the service?—Yes.

987. It occurs to me we had better have a list of the employments to which you think this would be applicable?—It becomes very simple, because I should indicate abstractors, and possibly Assistants of Excise, and out-door officers of Customs. The big competitions for the Customs and Excise are outdoor officers of Customs and Assistants of Excise, and it seems to me conceivable that a certain

Mr. *Benson*—continued.

proportion of those appointments might be reserved, but of course whether that would work is really a question for the departments. I am only looking at it from the point of view of an examination, and I think it might be worked, but the Customs or Inland Revenue Department might say there are very grave reasons against it which I know nothing about.

988. Do you also think that a certain proportion, no doubt a smaller one, of places might be reserved in the second division?—I am not sure about that.

Friday, 27th July 1894.

MEMBERS PRESENT:

Mr. Benson.
Mr. Brookfield.
General Sir George Chesney.
Captain Grice-Hutchinson.
Colonel Lockwood.
Colonel Murray.
Viscount Wolmer.

GENERAL SIR GEORGE CHESNEY, IN THE CHAIR.

Captain the Honourable GEORGE ANSON, called in; and Examined.

Chairman.

989. I BELIEVE you are Chief Constable of Staffordshire?—Yes.

990. In that capacity I presume you have had some considerable experience with regard to the employment of discharged soldiers; will you be so good as to state how far that is the case?—I should like to say first that I do not employ so many as I might because, I am sorry to say, upon the whole my experience of them is not of a very favourable nature, but I have got particulars of those that have been appointed in Staffordshire for the last seven years, and I might give you an analysis of all those that have gone in relative proportion to civilians.

991. Will you first say what number of vacancies have you, on the average, in the force?—About 60 to 70 every year.

992. Out of a total strength of how many?—Out of a total strength of 640.

993. About 10 per cent.?—About 10 per cent.

994. Do the men serve for pension if they remain long enough?—Yes.

995. Does this 10 per cent. represent retirements on pensions, or withdrawals, or other causes?—A portion of them would be retirements on pension, I should think about 3 per cent., and the remaining vacancies occur either from men being discharged or dismissed, or resigning voluntarily, and occasionally vacancies from death.

996. Of that average number of 60 per annum new appointments you have to make, what number of those are old soldiers?—As a rule I have only taken 10, 11, or 12 in a year, because, as I said before, my experience of them is not altogether favourable, and I can get better men in other walks of life. The force is very limited in numbers for the work it has to do, and I am obliged to take the very best men I can get.

997. First of all what are the qualifications laid down, what do you require?—As to character do you mean?

998. In all respects?—A man must be unmarried and he must be under 27. That relates only to my own force; other forces have their own requirements.

999. As to height?—Height 5 ft. 9 in.

Chairman—continued.

1000. In what way do you obtain candidates; by advertising?—No; I find that candidates who belong to Staffordshire apply to me unasked; I am only talking of the Army now.

1001. I am speaking of the whole number?—They apply to me. It is sufficiently well known over the county that there are always a certain number of vacancies for men, and I get more applications than I have vacancies.

1002. You keep a list, I suppose?—I keep a list and take the men as they come.

1003. In the case of a soldier, what steps do you take to ascertain his real character?—I always obtain particulars from the depôt.

1004. I am not speaking of soldiers; I am speaking of an ex-soldier?—I beg your pardon, I thought you spoke of soldiers. I make inquiries through the police as to his character. I make very stringent inquiries.

1005. In the case of soldiers, are the men who apply to you residents in the county?—As a rule they are.

1006. What steps do you take with regard to ascertaining his character?—I always get from the depôt the Army Form B 2088. That is the Regimental Depôt form. I do not know exactly what they call it, but it gives full particulars of all the offences, drunkenness, and that sort of thing.

1007. Do you obtain his character in the same sense that you obtain the character of a civilian?—No, one is unable to obtain them in the same degree.

1008. In the one case you take measures to ascertain something more than that which is given by the formal certificate, but in the case of a soldier you deal with formal certificates only?—We are obliged to take him on trust to a great extent. You get a negative character with him rather than a positive one.

1009. In the case of a soldier, the amount of information you obtain is less complete and less satisfactory apparently than in the case of a civilian?—Yes, because one is obliged to take him on trust as far as his personal respectability is concerned.

1010. Would it not be reasonable to expect under

Chairman—continued.

under those circumstances that the soldier would not on the whole prove so satisfactory because you might make mistakes in selection?—It would, except for the fact that I only take the very best of the soldiers. I only take a man from the Army with an exemplary or a very good character, and I will not take him if he has a single "drunk" recorded against him.

1011. A man may be exemplary in the technical sense that he has not been found guilty of being drunk, who yet may not be, for the purpose of a policeman, what you may call in private life of good character; is not that so?—Yes, that is so; certainly.

1012. As regards these soldiers, in what way do you come across them; do they come like civil candidates to your office and apply for appointments?—Yes; I think probably through their relations in the county, or they are men who lived in the county before they enlisted, and they ascertain to whom they should apply, and what the particulars are.

1013. They are practically civilians for the time being?—Yes.

1014. And they come in the same way on your register?—Yes, they come in the same way on our register. If they come, I take them in preference as regards the matter of time; I do not keep a man waiting.

1015. Then where does the depôt agency come in, if they come direct to you?—I have occasionally obtained men through the depôt agency, but I have found that a sufficient number of men, who were also Staffordshire men, have applied to me independently of the depôt. If I obtain them through the depôt, I obtain nobody as a rule but men belonging to the Staffordshire regiments purely and simply. There are other men belonging to other branches of the service, a good many Guardsmen, for instance, who apply to me.

1016. County men?—County men.

1017. You started by saying that your experience unfortunately has not been thoroughly satisfactory. Will you give the Committee some figures on which you support that view if you have them with you?—I might judge the men to some extent by the length of time that they remain in the force. I think that would be a fair test, would it not?

1018. To a certain extent?—I mean by the proportion of those I appoint who remain after a certain number of years. I find for the seven years from 1st June 1887 to 1st June 1894 I appointed altogether, including Army and Navy men, 416. Of that total number 147, which is about 35 per cent., have now disappeared from one cause or another, dismissed, resigned, or disappeared; out of 59 Army and Navy men no fewer than 32 have gone, which is 54 per cent., so that the proportion of those who have left the force is very much larger out of those I have appointed from the Army and Navy. I could give them to you year by year if it would make any difference.

1019. No, I think the figures you have given are sufficient. In the case of the men who have been dismissed, for what offence have they been dismissed?—Almost invariably through drink.

1020. That of course is an intolerable fault in the case of a policeman?—Yes. I might say that out of 43 appointed from 1887 to 1892, that is five years, some of whom are still serving, 28 have had offences in connection with drink or public-houses, or actually getting drunk, recorded against them. I do not take the last two years because a man has hardly time to show himself in his true character for the first year or two.

1021. Do you take a man on probation in the first instance?—No; they are appointed straight-away as constables; but they go through a form of education; they are called recruits for the first three months or so, and they learn their drill, and they are kept under very strict and constant supervision in the barracks. They do not go out to ordinary policeman's duty.

1022. What are the wages they receive when they come to you?—Twenty-four shillings, with uniform, and accommodation in the barracks for single men.

1023. What is the first rise?—After from six to eight months' duty, or so, it is 1*l.* 5*s.*, and then, presuming a man behaves himself properly, after another twelve months it is 1*l.* 6*s.*; after another 12 months it is 1*l.* 7*s.*; after three years more it is 1*l.* 8*s.*; after three years more it is 1*l.* 9*s.*, and after three years more it is 1*l.* 10*s.*

1024. Then a private constable would get 30*s.*?—Thirty shillings, with merit pay of 1*s.* 6*d.* in certain cases.

1025. What are the appointments to which they can rise?—The highest paid appointment in the force is the deputy chief constable, who gets 270*l.* a year.

1026. What would be his first promotion from being a constable?—To sergeant, to inspector, and then to superintendent.

1027. What is the sergeant's pay?—The sergeant's pay rises from 1*l.* 12*s.* 6*d.* to 1*l.* 15*s.* 6*d.* after nine years in that rank, with a further 2*s.* to a man in the merit class, which would make 37*s.* 6*d.* for the highest paid sergeant.

1028. The next step is an inspectorship?—An inspectorship.

1029. What does he get?—£2 a week, rising to 2*l.* 6*s.* after 12 years in that rank.

1030. I suppose these appointments in the force are a great deal sought after?—Yes; there is a great demand for them in the better class of the working classes.

1031. Apart from the question of drink, what is your experience as to the relative merits of the soldier and the civilian constable as regards intelligence, obedience to orders, and general fitness for the duties of a policeman?—I am afraid they are not well suited for policemen's work in counties; that is to say, in the country.

1032. Why should they not be. A man is brought up in Staffordshire, we will say, he goes away for five or six years, and during that time, instead of following the plough, he is drilled, trained and schooled. There must be some reason why he should be found afterwards to be less efficient?—I think the result of their training in the Army is that they cease to have any sense of responsibility in looking after themselves. They seem to lose their individuality altogether; they always want somebody to be looking after them.

Chairman—continued.

them. A man may do very well as long as he has constant supervision, but the moment you send him on to a country beat by himself with nobody to look after him he seems to get into trouble at once. He cannot resist temptation, whether it is drink, whether it is women, or it may be one thing or another.

1033. The evidence that you have given tends to show that in the case of soldiers you accept less stringent evidence of character, that is to say, you go by the formal certificate of the man. Is there anything to prevent your making the same inquiries as to the reserved soldier residing in the county as regards his character different from the plan you adopt in respect of a civilian candidate?—There are no means of finding out anything more about him than one does. Nobody can tell what his private personal character is.

1034. You mean he has been too short a time returned?—Yes.

1035. He is a stranger?—Yes; he is practically a stranger. He goes away when he is very young, say 16 or 17, before his character is formed in any way, and he comes back practically a stranger to his own locality, and there are no means of ascertaining what his character is in private life.

Captain *Grice-Hutchinson.*

1036. Have you not a society for the employment of reserved soldiers in Staffordshire?—Yes; there is one at Lichfield, and I have taken a certain number of men through that society, but as I pointed out just now, I should as a rule only get men in the Staffordshire regiments in that way, and I get a number of applications from very good men in other branches of the service.

Chairman.

1037. Surely the society deals not only with the particular men at the depôt, but with all soldiers resident in the county?—Nominally it does, but I do not think the men belonging to other branches of the service put themselves into communication with it, Practically I find if I get a recommendation from the depôt they nearly all refer to Staffordshire regiments—to four battalions.

Colonel *Lockwood.*

1038. Have you had much experience of reserved men employed as constables? Have many been through your hands?—I began by saying that I have taken during the last seven years 59, and I pointed out that I would have taken more if their characters had been more satisfactory, but I have a distinct personal experience of 59 of them, and of the best.

1039. You stated that you considered that the employment of a man as a soldier caused him to lose his individuality, and to lose his sense of responsibility?—Certainly.

1040. In your opinion would that apply to men who have been non-commissioned officers in the Army?—Almost to the same extent. It does not seem to make much difference.

1041. But you are aware that a non-commissioned officer is generally placed in a position of

Colonel *Lockwood*—continued.

responsibility in the Army?—But he has always somebody to look after him.

1042. Not at all. I mean there are many things with regard to which a non-commissioned officer is sent off on his own account in charge of men, and he has to assume a considerable responsibility. Do you think that your remark would apply equally to men who, having exercised responsibility during their Army service, have retired?—Almost equally so, but of course my experience is mostly of privates. I have had a certain number of non-commissioned officers. Perhaps mostly they have been acting non-commissioned officers, as lance-corporals and that sort of thing.

1043. But you know that a lance-sergeant is very often sent off on his own hook, so to speak?—Yes, I do.

1044. Then how do you account for the fact that he has lost his individuality?—I suppose the time previous to his becoming a lance-sergeant has absorbed what individuality he possessed.

1045. You consider that his training has that effect?—I consider that Army training has that effect.

1046. You consider that the Army training unfits him for any position of responsibility hereafter?—It is partly the want of individuality. They lose, too, their powers of resource—acting on their own judgment. Even if a man may be perfectly steady, and does not drink, still he is not exactly fitted for a policeman in the country, where he has to use his own judgment at a moment's notice, without being able to go and consult somebody else. He will stand and wait until somebody tells him what to do.

1047. Then your remarks apply to non-commissioned officers as well as to privates?—Yes.

Chairman.

1048. Have you the means of saying how many of the men you have taken during the seven years in question have been non-commissioned officers, and how many privates?—I do not think I have.

1049. But there is a proportion of non-commissioned officers?—Yes.

Colonel *Murray.*

1050. You said that a larger number of soldiers had left your force than civilians, and that a good many of them had left from drink?—Yes, from drink.

1051. What offence would be most usual in the case of civilians being dismissed. Have you any returns of that?—It would generally be in more cases than anything else through drink; still, certainly not in such large proportions as the men from the Army and the Navy.

1052. Does the position of head constable impose the duties of fire director in your county?—Do you mean fire brigade work?

1053. Yes?—No, nothing to do with that.

1054. You have no means of employing sailors also in connection with work of that kind?—No, I have nothing to do with any fire brigade in my county.

1055. Have

Colonel *Murray*—continued.

1055. Have you any mounted men?—No, but it may be necessary in the future to employ some. I find it very convenient to have a few men from the mounted services, and they are put occasionally on horses, when mounted men are necessary. I think it will very likely be found to be necessary to have a certain number of mounted police in all parts of the country, and for that purpose I should distinctly prefer soldiers.

Colonel *Lockwood.*

1056. You think that that remark of yours would not apply to them if they were on a horse?—The advantage of their military training and riding would overweigh other disadvantages.

1057. You would be ready to employ a man as a mounted man who had lost his individuality?—He would not be employed in quite the same way. He would not have a beat to himself if he were a mounted man.

1058. He would have a horse to assist him?—His horse would assist him over the ground.

1059. He would have to patrol?—A mounted man would have to patrol. He would not have a beat to look after by himself. He would be kept probably at headquarters. I may say that I have consulted the chief constables of the two largest counties in England besides my own, and their opinion coincides with mine about soldiers, I think, almost entirely.

Captain *Grice-Hutchinson.*

1060. Did you serve in the Army yourself?—Yes, I was for nearly 12 years in the Army.

1061. I must say I think your opinion rather daunts one in the employment of the old soldier?—I would not take any soldier at all if it were not for my wish to try and help them. I consider that I can always get a civilian better than a soldier as a matter of fact. If I excluded soldiers altogether it would be better for the force at present, and it is merely in consequence of my wish to try and do something for them that I have taken any at all.

1062. At what age do constables generally join the force?—The civilians would join at an average age of something under 22. I suppose they would be from 21 to 22 on an average.

1063. A reserve man comes at about 24 or 25 does he?—Yes.

1064. You take them older?—I would not take them over 27, unless there is some particular reason. Reserve men over 27 are very often only 26 really. Their age decreases after they have left the Army. They generally enlist under age. I, however, make every man bring his certificate of birth, and then that proves that they are younger than they appear to be according to their Army documents.

1065. With regard to the offence of drunkenness, do they accept drink from civilians, or do they go into public-houses on their own account?—I think it is more that they are unable to refuse the offer of drink. It is not so much on their own account. A policeman can generally get a drink if he wishes to, and they are all exposed to great temptation.

1066. When do you think these cases of drunkenness generally occur; in the day time or at night?—I think at all times. Our men do

Captain *Grice-Hutchinson*—continued.

half day duty and half night duty, so that they are out for two distinct periods, and I think the difficulty with soldiers is that they seem to want some period of relaxation when they go off, and do what they like. We cannot do that with our men, because they are on duty in the day and they are on duty again at night, and they are more or less under supervision.

1067. Do you think that is owing to the fact that they had so much time on their own hands in the Army that they do not like being perpetually on duty, or is that a failing common to both civilians and soldiers?—I think they find it distinctly irksome to be always on their best behaviour, and some of them find it impossible and give way.

1068. You said that you had no means of ascertaining what a soldier's character was when he wished to join the police force. Of course, you have the man's discharge certificate to go on. I suppose you meant, if he comes at all, he leaves the Army, and that therefore there is no opportunity of judging what his character is in civil life?—That is so; I am obliged to take him simply with his Army character; they are the only particulars one can get, and they do not go so far as the particulars I can get of a civilian.

1069. But I suppose you always pay particular attention to whether his character has been good. You would not take a man unless he had "good" on his discharge certificate?—I would not take a man unless he had "very good."

1070. That would imply that he had been a sober man, would it not?—Not necessarily so. I do not take any man who has any record of drunkenness against him. I ascertain that.

1071. You will not take him?—I will not take him unless he comes without any record of drunkenness whilst in the Army.

1072. And yet your experience is that they have given way?—That is a restriction I have made in the last three years, and certainly I have got better men by making that restriction. I think some of the men that I have had lately may turn out to be very much better than the previous ones, but still it does not prevent them from getting drunk.

1073. I suppose your conclusion is that with "very good" to the benefit of the old soldier when he leaves the colours, he does not make a good police constable?—That is so.

1074. As a rule?—As a rule. I say distinctly for the County Police. If one could employ them all in towns, I think in many cases they would be found very useful, because, as a rule, they do their duty in towns all at one stretch, and they can then go home and do what they like. While they are on duty they are under constant supervision, and for that sort of work I think they may be reasonably well suited.

1075. You mean that the beats in the country are very much wider?—Yes, a man is left to his own responsibility; he has to do a certain number of hours' duty a day, and a certain number of hours' duty at night, and he is occasionally visited by a sergeant or other officer, but still he is left to himself a good deal, and a soldier is not, as a rule, fitted for that.

1076. Still, if you were the chief constable of a large

Captain *Grice-Hutchinson*—continued.

a large borough or town, and the police were under the watch committee, you think that there would be a better chance for the reserve soldier?—I distinctly say that they are far better suited for that, but I am afraid that there is a prejudice against them in large towns.

Mr. *Benson.*

1077. Is your experience equally unfavourable to the employment of the old soldier so long as he is under a certain amount of supervision and looking after?—No.

1078. For instance, if he were employed in some capacity by a public body where his duties are of a very definite character, not requiring much exercise of his own judgment, where he is on duty for a limited number of hours a day, and after that he is his own master, and were he constantly under a certain amount of supervision, there is nothing in your experience of the old soldier which would lead you to say that soldiers are inferior to civilians for that kind of employment?—No. I think in very many cases they are admirably suited for that sort of work; they are presentable men of nice manners, and they know how to behave themselves in the ordinary way; and in many cases they are extremely well suited for that sort of thing. I may say that I have two or three very excellent men, indeed, to whom I believe the Army training has been an advantage, so far from being a disadvantage; they are all the better for having been in the Army, but I am afraid I look upon them as good men in spite of the service.

1079. Do you find it more easy or more difficult to keep under discipline men who have once left the Army; are they more difficult to control, or are they more obedient?—Our discipline is in some ways far more stringent than in the Army, because a man has to discipline himself, and he has to be, so to speak, always ready for inspection.

1080. Do your remarks apply equally to soldiers and sailors?—I have had very little experience of sailors. There are only two among the lot of 60 I have taken, and they both got drunk.

1081. Is it possible that your limit of age militates against you keeping the better class of soldiers; for instance, non-commissioned officers, to which Colonel Lockwood referred, generally serve about 12 years with the colours. They would be above your limit of age, would they not?—Yes. We only take men under 27; they would be only the Reserve men, but I do not think it would make very much difference.

1082. When you get men through the Regimental District Society for the Employment of Discharged Soldiers, do you find that they can give you a good character, or that they can tell you a good deal about the men, or can they only give you a formal character?—They can only give me what I obtain for each man, in fact, I obtain all the particulars which are in the register, I think it is. There is a register which is kept at the depôt called Army Form B 2088, which gives details of all cases of drunkenness,

Mr. *Benson*—continued.

and the number of company entries, the number of regimental entries, courts-martial, and so on.

1083. So that you do not really learn more about these men through the agency society than if they came to you without?—No.

1084. Do you see any way in which that difficulty can be got over, the difficulty of getting a character which you can trust?—I am afraid while a man is in the Army, nobody knows what his private character is sufficiently, not in the sense which we require it of civilian candidates.

Mr. *Brookfield.*

1085. May I ask how long you have held your present appointment?—Between six and seven years.

1086. And what branch of the Army did you serve in?—The Royal Artillery.

1087. Were you employed regimentally?—Regimentally the whole time.

1088. Do you think you have given a fair test to the old soldier since you have held the office of chief constable? You have taken the best men you could, have you not? Have you made any special efforts to secure non-commissioned officers of superior character?—No, I have not; I have taken the best men out of the men who have applied to me. I have not taken any special measures to obtain selected men.

1089. You said that your men must be under 27?—Yes.

1090. Do you make any exception in the case of men who have served 12 years with the colours?—I should extend the time for a year or a year and a-half, if I thought it very desirable to do so. The limitation is entirely of my own making.

1091. You have never relaxed that limitation in favour of the soldier?—I may have relaxed it by a month or two in the case of men who were just over age. I have once or twice, but only to a slight extent.

1092. You stated that reservists generally enlist under age and generally made a false statement on attestation. Do you adhere to that statement?—Yes, I do.

1093. Generally?—Yes, generally.

1094. More often than not?—I should say more often than not, to the best of my belief. I should say it is more often than not they are younger than their records would show them to be.

1095. As to your remark about single men, may I ask your main reason for it; is it handier to have single men with no complications or incumbrance, as they call it, or is it on moral grounds?—No, it is simply because it is more convenient. We have barrack accommodation, and it is convenient to keep a number at barracks at large stations.

1096. In the rural districts are they also single men?—No, they would be married men. But we have a large town population to deal with. For instance, I have a population of about 130,000 in the outskirts of Birmingham to deal with, and that is practically the same as a large town. The men there are under rather different conditions.

Mr. *Brookfield*—continued.

1097. Is it not your experience of life generally that a married man is a steadier fellow than a single man?—Certainly.

1098. Do you not think it would be giving old soldiers a better chance if married old soldiers had a chance a well as single men under 27?—I think it is possible that it would. It had not occurred to me to make an alteration in their favour.

1099. With regard to a more stringent character is it not the case that you can now obtain from the War Office, by taking special measures to do so, a full, detailed, and definite character, and not a perfunctory one?—That is so, but I pointed out that, so far as I can see, there are no means of ascertaining what a man's private character is while he is in the Army in the same sense that we can inquire what his private character is while he is a civilian.

1100. Does not his colour-sergeant or his captain know anything of his private character?—If so, it is not put on the records.

Mr. *Benson.*

1101. Do you not make inquiry of the company officers?—No; I constantly get men with sheets of recommendations from their company officers or others, but I do not take much notice of that, because I know how easily they are given in most cases. I have given a great many myself.

Colonel *Lockwood.*

1102. I am aware of your statement that you have found men who have proved satisfactory to you, as you have said, notwithstanding their Army training, but do you wish us to understand that you look a man who has served his time in the Army as having simply escaped by the skin of his teeth, as though he has been employed in a degraded profession?—I should not like it to be put in that way.

1103. It is what your answer came to?—In a way they have passed through the ordeal, and I think on the whole those who have passed through untouched have been improved by it.

1104. Owing to their original goodness?—Owing to their original goodness.

1105. And that if a man had not extraordinary virtues by the act of serving as a soldier he would have become unfitted for any public sphere?—I should not like to go so far as to say that.

Mr. *Brookfield.*

1106. Do you adhere to your statement that for mounted police you would prefer a soldier to a civilian?—I said that I had not got any. In the event of having any I should probably enlist soldiers for the purpose.

1107. Exclusively?—Probably almost exclusively.

1108. That is, that the fact of their being good horsemen would outweigh in your opinion the fact that they had "no sense of responsibility," and that they had been degraded by service in the Army?—No, I object to that word "degraded." I have not used it, and I would not take a man at all if I considered that he was degraded.

Dr. WILLIAM ANDERSON, was called in; and Examined.

Chairman.

1109. I BELIEVE you are Director-General of the Manufacturing Departments of the War Office?—Yes.

1110. You have therefore a very large number of persons employed under your orders?—Yes, a very large number.

1111. You are aware that the object of this Committee is to inquire how far the employment of retired soldiers in civil life can be extended. There are now something like 80,000 men serving in the Army Reserve who have been drawn away by military service from an ordinary civil career, and when they have returned to it, as they are obliged to do now after a short service in the Army, they are, to a certain extent, necessarily at a disadvantage. The number so returning every year to civil life is reported to be about 17,000 or 18,000 men, and it is obvious that, although the Government itself has not the means, if it had the will of finding employment for so large a number; but it has been suggested to the Committee (and the suggestion is almost an obvious one), that if the Government would wish the public employers of labour generally to co-operate in the desire to find employment for these men, example being better than precept, the Government should set the example by doing all in their power in their own public departments to find employment for these retired soldiers. As you are a very large employer of labour, the Committee would wish to have your opinion upon the general subject, and perhaps you will state how far anything is now done towards inviting soldiers to take employment in capacities for which they are fitted, and if you are favourable to the idea, how far the employment of these men could be extended?—We are always willing to employ old soldiers and sailors, the general opinion being that they make very good men. They have given great satisfaction in their employment, and the number employed is increasing every year.

Chairman—continued.

1112. Would you say, in round numbers, what is the number of persons employed in your department?—At this moment there are about 14,200 men altogether in the Ordnance Factories.

1113. Have you any information which will enable you to say how many of those men are old soldiers?—Yes; I can give you the figures.

Captain *Grice-Hutchinson.*

1114. Fourteen thousand two hundred men, or hands?—Fourteen thousand two hundred hands.

1115. Including women?—No; men and boys. We do not employ women, except a very, very few,

Captain *Grice-Hutchinson*—continued.

few, who are employed at their own homes. The number of hands employed in the Ordnance Factories has been decreasing since 1890, when I think it reached its maximum. We had then about 17,100; now we have got 14,200, and we have at this moment 1,500 old soldiers and sailors employed.

Chairman.

1116. In what capacity are those men employed?—They are mostly employed as labourers. They come in as labourers, and then the more intelligent of them are promoted to be machine hands, where they work piecework chiefly. Some are made into clerks, writers, and bookkeepers. The non-commissioned officers chiefly occupy the clerical appointments.

1117. Have you any limit of age?—Forty-five years is supposed to be the limit at which we can take anyone in. Then they must leave, of course, at 65.

1118. What is the agency through which they obtain employment; do they come like other hands direct to the shops and ask for work?—Yes, we keep books on purpose in which we register the names of applicants, and they either come in that way, or a great many come with letters of recommendation from officers under whom they have served.

1119. As regards a soldier as distinguished from an ex-soldier?—That is what I mean.

1120. You have also a general register of applicants of all sorts?—Yes, we have.

1121. Do you keep a separate register for soldiers?—Yes.

1122. Have you any communication with the local agency for the employment of soldiers?—There is a branch, I believe, but I do not think we have any direct communication with it, they may send the names forward, and we put them down in the books.

1123. That is, instead of a man himself giving his name, I suppose he would bring a recommendation, would he not?—Yes.

1124. Therefore, where does the agency come in in that case?—I do not think it comes in at all with us. I never heard of it. It may have come through the office without my knowing it, but the usual way is this: officers, *i.e.*, captains, colonels, and majors of regiments send these old soldiers with letters of recommendation, asking that employment might be found for them, and what we always do is if the characters are satisfactory, the discharge characters I mean, which they are sure to be, then the names and addresses are put down, and when a vacancy occurs the men are sent for.

1125. You take down what a man is fit for, and if a vacancy occurs in that particular line, you send for him?—Yes.

1126. You have now about 10 per cent. of your hands who are old soldiers. There must be a very large community of old soldiers about that part of Kent. Are you able to suggest any method by which the employment of soldiers could be still further extended?—I am only speaking now with reference to Woolwich and the outlying Ordnance Factories, but, in addition, there is at Woolwich the Department of the

Chairman—continued.

Commissary General, who is the Storekeeper for the land service; then there is the Storekeeper General for Naval Ordnance, and there is the Inspection Department under the Director of Artillery; these also employ old soldiers, so that the number employed in the Arsenal is very great, but I am not in a position to say, outside my own department, how many are employed.

1127. My question was rather directed to asking how far you thought it might be extended in your own department?—I think I can best answer that question by telling you what is really taking place. For instance, in December 1891 we had 1,147 old soldiers. I had better give you at the same time the total number of hands. In 1891 we had 16,660 men and 1,147 old soldiers. In 1892 we had 1,488 old soldiers and sailors. That is an increase of 341.

Captain *Grice-Hutchinson.*

1128. Hands?—We had 16,291 hands.

Colonel *Lockwood.*

1129. How many old soldiers were there out of the 16,600?—In 1891 out of 16,660 men we had 1,147 old soldiers; in December 1892, out of 16,291 men or hands, we had 1,488 old soldiers and sailors. In this year 1894——

1130. In 1893?—I have not 1893 separately, but in 1894 we have 14,159 men, and 1,501 old soldiers and sailors, so that the number of old soldiers employed in the Royal factories is increasing in face of a decrease of the number of men employed.

1131. May I ask if you are satisfied generally with the conduct of the reservists that you have employed?—I do not know especially about the reservists, we employ pensioners, discharged soldiers, and reservists.

1132. I mean old soldiers?—Yes.

1133. Are you satisfied with their conduct?—Yes; I recently sent round to all the departments to ascertain their opinions, and they are unanimous in saying that they are satisfied with the conduct of the men.

1134. You do not find that they are more given to the general failing of drink than any other classes?—No, I do not. Of course they are never drunk on the premises. What they may do outside the gates we do not trouble ourselves about.

1135. Perhaps you heard the last witness state that in his opinion a man serving in the Army made him unfitted, practically speaking, for any position in civil life afterwards. Do you agree with that?—No, not so far as my experience goes.

1136. You do not find that they are totally unfitted. I suppose the men who come under your notice do not have very responsible positions?—They are generally in some one's charge, of course. They are very much officered always.

1137. If it should arise that a man is given some work to do off his own bat, so to speak, does he generally do it in a satisfactory manner, so far as you know?—Yes, I think so. I never heard any complaints at all.

1138. And you are ready, if occasion should

 arise,

Colonel *Lockwood*—continued.

arise, to see the number increased rather than decreased?—I think there will be no difficulty at all. I think the superintendents of the various factories are all very much inclined to employ old soldiers and sailors. Old sailors are better than soldiers, because their method of enlisting men is different. They are all selected boys who have grown up in the service.

1139. And probably they are handier?—They are employed for handling heavy things, knotting and splicing; they are handy fellows.

1140. Can you suggest any means of extension of employment of old soldiers?—In the Ordnance Factories?

1141. Yes?—We are trying to do it, but we cannot displace old hands. It is a slow business, but employment is increasing without any pressure at all being used.

Colonel *Murray.*

1142. Can you tell me the number of soldiers and sailors who apply for employment every year?—I could give it to you.

1143. Are they in excess of what you are able to employ?—Very much.

Colonel *Lockwood.*

1144. Double?—Quite double, I should say.

Colonel *Murray.*

1145. Do you find that any are suitable for skilled employment in manufactories?—Some of them.

1146. A good proportion?—Some of them had some trade probably before they enlisted, and although they get rather rusty, still they are often capable of resuming their work again.

1147. Especially with regard to the Engineers and Artillery?—Yes.

1148. I do not know whether you said that more appointments could be made available for them as clerks?—Only slowly. You could not do it suddenly, because you could not displace those who have already got appointments of that sort, but by degrees you certainly could do it.

1149. Do you employ them as clerks?—Certainly, as clerks, storekeepers, and guides. We have a great number of guides in the Arsenal for showing people about; there are also watchmen.

1150. Besides those are there not old soldiers in any high positions?—Yes, there are some in tolerably high positions. Of course they cannot get above where the Civil Service examination comes in. That is a sort of limit beyond which they cannot get.

1151. In positions requiring hard manual labour are old soldiers also suitable?—Very seldom. The sort of labour you mean, I suppose, is navvy's work, digging and wheeling?

1152. Yes?—They are not so well suited for positions of that sort.

1153. They are used more for clerks?—Yes; light work which requires constant application, but still does not require much physical work. We have a great many machine-men.

Colonel *Lockwood.*

1154. Do they work in the factories?—Yes, in all the factories. I can give you the figures in the several departments. This Table I have here gives you the number of pensioners, the number of Reserve men, and the number of discharged soldiers employed in each of the seven departments which are under me.

Colonel *Murray.*

1155. Do you mean actually still serving at the moment?—No, discharged soldiers.

1156. You have none that are employed in the service?—No; with the exception of the 10th company of Royal Engineers, who are employed on the railways.

1157. But all the others are old soldiers?—Yes; ex-soldiers.

Mr. *Benson.*

1158. Do you employ men from both branches of the service?—Yes.

1159. The men who are employed in skilled employment, I suppose, have mostly been in the Engineers?—No, I do not think so. An intelligent labourer can very soon learn to work any machine; I mean it requires no special mechanical knowledge to keep machines going. For instance, in the cartridge factories, the men who form the cartridges, or the percussion caps, could not do fitting or turning work, which requires a trained mechanic; while mere tending of machines, which are mostly automatic, they can do very well.

1160. But you say that men who have trained as mechanics before they went into the Army are able, when the rust has rubbed off a bit, to return?—Yes, they would, probably, be put first on inferior work, and if they got better they would become regular mechanics.

1161. They do, in time, get back to that?—Yes, they do.

Captain *Grice-Hutchinson.*

1162. Can you give us any suggestions as to the different branches of the service in which these old soldiers have been? For instance, take the Marines. Have you got many from the Marines?—I cannot answer that question. I could get the information for you if you wish it. I cannot answer that question right off, but my impression is that we get men from all branches of the service.

1163. Can you say from which branch of the service you get the steadiest men?—The sailors are the best, and next to them come, what I may call the two scientific arms, the Artillery and the Engineers.

1164. The numbers seem to be falling, as far as the number of candidates employed are concerned. Of course the object of this Committee is to try and see whether any steps can be taken to employ old soldiers; I suppose the eight hours a day is now in force?—Yes.

1165. What do you think the effect of that will be? Do you think there will be more hands employed than there are at the present time?—No, it has made no difference so far.

1166. It is the contention of some people who were in favour of the eight hours a day that the result will be to employ more hands?—No; that is not necessarily the case.

1167. Then

Captain *Grice-Hutchinson*—continued.

1167. Then that will not be of any advantage to old soldiers?—No.

Mr. *Benson.*

1168. You say you have a large number of men employed who are in the Reserve?—Yes.

1169. In case of war, if they were called out would you be put to inconvenience?—That is one objection we have to employing Reserve men, but I do not think it is a very serious one. We can get, in this country, any number of men if we want them.

1170. You could easily replace them?—Yes.

Chairman.

1171. I suppose in case of war there would be stagnation in a great many branches of trade, and there would be a large number of people out of employment?—The Government will never have any difficulty in getting any number of men of the best quality.

Mr. *Benson.*

1172. You do not think that is a serious objection at all?—Not in the case of Government establishments.

1173. Not in the case of Government establishments, which would be fully employed?—No; I would guarantee to get 1,000 men at a day's notice, at Woolwich, if I wanted them, even the very best mechanics.

Colonel *Lockwood.*

1174. Suitable to take the places of those that were called out?—Yes.

Chairman.

1175. Can you give us any information as regards the number of applications you have for employment?—A great many apply, but while their names are on our list they often get employment elsewhere; then they disappear.

Colonel *Lockwood.*

1176. Old soldiers?—Yes.

Chairman.

1177. The number nominally on your returns awaiting employment is, therefore, no criterion of the effective number?—No, not at all.

1178. You do not think a man would write to you and tell you to take off his name?—No.

1179. Therefore it would be delusive to suppose from the returns that they represented the number of men out of employment?—Quite so, but we always take off the names when the men get to be 45 years old.

Mr. *Brookfield.*

1180. You mean the men awaiting employment?—Yes, because there is a sort of regulation, I do not know that it is a hard-and-fast rule, but there is a regulation that we take no one on over 45. The men have, of course, to pass a medical inspection, but I think most of them get through that very well.

Lieutenant General Sir WILLIAM DRYSDALE, K.C.B., was called in; and Examined.

Chairman.

1181. I THINK you are at the head of the society for the finding of employment for Army pensioners?—I am.

1182. Your society deals entirely with pensioners?—With pensioners only.

1183. To the exclusion of any consideration of Reserve soldiers?—It must be a *sine quâ non* that they have a pension.

1184. Can you say how many years this society has been in existence?—For 35 years it has been in existence.

1185. Can you tell us what is the extent of the operations of the society; is it confined to pensioners in London?—We have three branches, one in London, one in Dublin, and one in Glasgow, and the two branches in Glasgow and Dublin are supported from the London branch.

1186. They are financed by funds obtained from London?—We pay entirely for those two branches from headquarters.

1187. Does the society receive any assistance from the Government?—None.

1188. Can you tell us what is the extent of this society's operations; how many pensioners has it got on the roll?—We cannot tell that, because when a pensioner gets a place he disappears until he wants another place, or he may be dead for aught we know. You will see by this book how many there are registered every year, and how many get places. When we register them

Chairman—continued.

of course we know all about them; and when they get a place they come off, until such time as they lose their place and want another place, and then they appear again.

1189. It appears from this return that last year about 650 men were registered?—Yes.

1190. But it is also stated that about 2,500 obtained places?—Yes.

1191. I do not quite follow how that can be if the number of men who applied to you and registered themselves for employment were 650?—Men who are lately discharged come and register themselves at the office. Then they come occasionally to ask if we have found a place for them. In fact, in the waiting-room a great many are there every day to see if they can get places.

1192. Therefore, it appears from this report that about 2,500 have been put into places during the year either permanently or temporarily?—Yes, either temporarily or permanently.

1193. The expenses of this society appear to amount to about 1,000*l.* a year?—We have abolished one branch which we had at Manchester, so that I think in future the expenses will be about 600*l.* a year.

1194. So that practically you pay your way?—We pay our way.

1195. It costs about 5*s.* a head to find the men employment?—Yes.

Chairman—continued.

1196. What is your *modus operandi* for placing them in situations?—We advertise, and, of course, having been so long in existence, men come to the office knowing that they can get men there.

1197. People apply to you?—Yes, they come and apply at the office.

1198. In a general way what class of employment do your men get?—Both indoors and outdoors, anything; grooms, coachmen, butlers, valets, and many men go to the railway companies as porters; in fact, they take every sort of employment.

1199. Do you do anything to test a man's qualifications when he comes?—Yes. Of course, when a man is registered most careful inquiry is made as to his antecedents, and we can always put our hands on very good men.

1200. That is to say you do not go merely by his certificate, but you follow it up?—Everything is inquired into that he can produce. He has sometimes from his old commanding officer, or from officers that he has been serving under, recommendations, and all these are attached to his register.

1201. Then you think you are able to put your hand on the right man when an application comes to you?—Yes. Of course it is not infallible. Some of the very best men sometimes go wrong, but there are a great many non-commissioned officers amongst these men, and as a rule they are good steady men.

1202. You, in fact, act as a medium between the deserving old soldier who seeks employment and the employer?—Yes, the register is there, employers know it and they come there.

1203. What is the result as regards the outturn of these men; do they give satisfaction as a rule?—They give as a rule satisfaction.

1204. Sometimes you have men returned?—Sometimes of course some of the best men disappoint you, but as a rule they give satisfaction.

1205. To what extent do you think your society embraces, in a general way, the whole body of pensioners who are out of employment?—Most of the pensioners are to be found in Dublin, I think. There are a great many pensioners there, and in London and in Glasgow.

1206. With regard to pensioners living, say, at Newcastle, or down in Devonshire, do they come under the operation of your society if they like?—If they come to us and show us their certificates then we can give them a character, and they can go back and show this character to anyone.

1207. But they must present themselves at your office. They must come up here?—Yes, it is only in bye-cities like Dublin, London, and Glasgow agencies are.

1208. Then, practically, I suppose many men do not come up from the country?—Many men do not come up, of course.

1209. It would involve an expense which they could not afford?—Yes, it is in the large cities chiefly.

1210. Has it ever occurred to your society that they might usefully extend their branches?—That is a matter of finance. We could do that, but we have not the funds.

1211. I suppose if you were to extend it locally you might perhaps obtain local subscriptions. At present all your subscriptions are really obtained in London, I think?—Yes, all are voluntary subscriptions, chiefly from old officers to their old comrades.

1212. But the connection is chiefly a London one?—They have a branch in Dublin, and one in Glasgow, also.

1213. But your subscriptions are mainly realised in London, are they not?—Yes.

1214. You do not get many subscriptions from the country, I suppose, do you?—They come from all parts. They are sent from philanthropic motives, and they come from all parts, but I should say chiefly from the old officers. You will see a list of the sort of people who give in that report. Her Majesty graciously gives 50*l.* a year.

Colonel *Lockwood.*

1215. May I ask if you have any idea that you could give to the Committee as to the extent sion of the employment of pensioners?—Now that the short system has come into play pensioners are gradually dwindling, there are fewer of them, and, of course, as the reserve system increases the old soldiers do not want to get pensions, and of course they do not wait to become pensioners.

1216. Have you any opinion of your own as to how the extension of the employment of reservists could be made?—Of reservists?

1217. And pensioners. Have you thought out any plan?—I think, lately, General Feilding has been establishing a great many branches, and I think now they are established all over the country. I do not know that that could be increased.

1218. You think it can be best done through those agencies?—Yes, and they are very good. I am on the committee of the reservists, also, so that I am a little behind the scenes.

Colonel *Murray.*

1219. The pensioners in your association are pensioners after a long service?—After a long service.

1220. As well as, I suppose, pensioners who have obtained their pensions through wounds or sickness on service?—Exactly. They are men who have done their 21 years' service.

1221. Or have been discharged through being unfit for further military service?—Yes, on small pensions.

1222. They are included?—They are included.

1223. Could you say what is the rough average of age?—I should say that they are not below 40.

1224. On an average?—Yes; they are an older class of men than the reservists.

1225. Are some of these men taken into employment by the State?—Sometimes, in the Post Office.

1226. And in the military departments?—No, they are not taken on by the military departments.

1227. Their employment in civil life would chiefly be with private employers of labour?—Exactly;

Colonel *Murray*—continued.

Exactly; the same employers of labour that employ these pensioners.

1228. Do you find that there is much absorption of good men now; I did not hear any of the numbers that you gave, but is there a large absorption of good men in civil employment?—Yes; there are a great many good places got, I think.

1229. Is it found that if men know a trade there are better openings for them for employment in civil life?—Certainly.

1230. Can you say what percentage of the men who pass through your association have a knowledge of any trade which would suit them for employment?—I do not know.

1231. Have they, as a rule, or not?—Cavalry and artillery men are fitted for grooms and coachmen; they understand the care of horses.

1232. And the infantry men?—They do not get so many places where horses are concerned.

1233. But in other employments?—Of course they are fit for everything, for that matter. There is nothing that an employer can want that he cannot get amongst men waiting there in the room.

1234. There are a great many who know various trades?—I should say there are more porters, and some are labourers, who go back.

1235. As a rule, unskilled labour?—Unskilled labour, certainly.

Mr. *Brookfield.*

1236. What is it that applicants look for when they apply to you for a pensioner. Why is it that they want to employ them?—Sometimes a man says: "I want a lodge-keeper," or he wants a groom, or a coachman, or a valet, or an indoor servant.

1237. He chooses rather an army pensioner, I suppose, because he finds, or it is generally found, that they are reliable men?—I think so. I think he considers that the discipline has done a man good.

1238. And that they have a sense of responsibility?—Certainly; especially non-commissioned officers.

1239. And that they are no less sober than any other branch of the community?—Exactly.

1240. Then your experience would not agree with what you heard from the chief constable of Staffordshire, who gave evidence before us a short time ago?—I did not hear his evidence.

1241. You would disagree with what he said,

Mr. *Brookfield*—continued.

I presume?—Of course they are not all quite free from drunkenness, but there is a great percentage of them who are very well-behaved men, and if you look at their parchment certificates which we get, they are most exemplary men, sometimes retiring with four or five good conduct badges, and they can be shown to the employer of labour when he comes to the office to ask for a man.

1242. As the number of pensioners is decreasing by reason of short service, altogether your institution is in a very flourishing way at the present moment?—I think so. It is dwindling in number, but there is nothing to signify yet.

Captain *Grice-Hutchinson.*

1243. Do you think it would be practicable for the War Office to start a labour bureau itself; I mean virtually to take over the duties of these voluntary societies?— As to the Pensioners' Society and the Reservist Society, I suppose it would be a very good thing if the Government took them in hand, but that of course I have no experience of.

Chairman.

1244. I gather from your evidence that practically your society does find adequate employment for all the pensioners who come to you?—Yes; of course there are a great many men who come to the office every day looking out for work, but gradually most of those men are worked off, and others who are registered take their places.

1245. You have not any large number of good men for whom you cannot find employment?—They all get employment if they are good men, and of course in a flagrant case we strike him off the register. If any complaint is made against a man of a flagrant nature, we strike him off, and have nothing more to say to him.

Mr. *Benson.*

1246. Do most of them get permanent employment?—Yes, most of them get permanent employment, and some of course get it for a few days only, but that tides them over until they get a permanent place.

1247. Eventually they all get permanent employment?—Exactly; that list shows both permanent and temporary. The other society only puts the permanent. They do not put down the temporary.

Major General MOODY, was called in; and Examined.

Chairman.

1248. YOU, I believe, were formerly in the Royal Marines?—Yes; I retired about eighteen months ago.

1249. And you are now associated with that excellent society for the employment of old soldiers?—Yes; I represent the Royal Marines on the committee of the National Society for the Employment of Soldiers.

1250. In connection with the Royal Marines,

Chairman—continued.

perhaps you will inform the Committee upon any point upon which you think it will be useful that they should be informed; I mean especially with regard to the Royal Marines?—I believe the Royal Marines have not quite the same difficulty in obtaining employment as other branches of the service, but at the same time I think that they do not obtain sufficiently remunerative employ-

Chairman—continued.

ment. After a man has served with an undoubtedly good character for a number of years, up to the time he obtains a pension, he has a right to get a better rate of wages in civil life than he generally obtains.

1251. To what do you ascribe his difficulty in getting adequate employment?—Unfortunately the public are liable to take into consideration the pension that a man has earned, and to calculate that as part of the wages.

1252. What is the prescribed length of service of the Royal Marines?—Twenty-one years.

1253. All long service men?—All long service men.

1254. Then they get a pension?—Yes.

Colonel *Lockwood.*

1255. Do they enlist for 21 years?—They enlist for 12 years, and very good men are allowed to go on for 21 years.

Chairman.

1256. And as a matter of fact a very large number do?—Nearly all will if they are allowed. There is a small percentage, that are not sufficiently well conducted, who are not allowed to re-engage.

1257. Practically you have no reserve in the same sense as we have in the Army now?—Not at present.

1258. It is, of course, very undesirable that any class of men should take wages lower than are sufficient for respectable support?—Most undesirable.

1259. Can you suggest any plan by which this system of cutting down the wages of a pensioner could be put a stop to, because it is, of course, very obnoxious to the general workman to find somebody cutting him out on the score of lower wages?—Most certainly. I believe that the Government should take the lead in this matter. I know that the Government have comparatively few situations to offer. Judging from the returns rendered to the House last year, I think they had about 5,000 for which old soldiers, sailors, or marines, would be eligible, and out of that I think there are only some 200 or 300 annually that are actually given to discharged service men. If the Government do not take our men and give them a fair amount of wages, I think we cannot expect civil employers to choose them, because at once they say, "Why do not the Government show an example?"

Colonel *Lockwood.*

1260. But you are aware that the Government when they employ ex-soldiers, do not take the pension into consideration, are you not?—Yes, I am quite aware of that, but they give so few situations, and most of these in the lowest grades; practically, you may say they give none. I think it was only something like between 200 and 300 last year. I think you have before you the return of the number of old soldiers employed.

1261. But the last witness said that there were in the Ordnance Factory alone 1,571 men?—Two hundred and fifty-four men were selected in that year.

Colonel *Lockwood*—continued.

1262. The last witness said that in the year 1894 there were 1,571 men actually employed in one department?—Yes, but how many were taken in one year?

1263. I see your point?—From the Army alone there are about 16,000 to 18,000 men discharged every year, and a large number of those men get employment themselves, but a great number have to come down upon the different societies that have been formed in the country. In the marines, I should think, that there are about 1,000 men, and out of that number, I suppose, 500 we should like to get employment for. The remainder would get employment for themselves.

Chairman.

1264. I suppose retired marines do not live in London?—No, not much, except when in situations.

1265. They chiefly reside about the sea-ports?—Chiefly at the sea-ports. A number of them get employment as labourers in the dockyards, at the gun wharves, and at the powder magazines; they are mostly pensioners. There is a case in point which just occurs to me of a discharged sergeant formerly in our gun drill battery at Gosport, who was one of the smartest men I had under my command. This sergeant went to the dockyard, and he was working there when I last heard of him as a labourer at 18*s.* a week. He is a very clever mechanic, and a man certainly worth a good deal more than that amount.

Colonel *Lockwood.*

1266. I see Mr. Joyce, of the Post Office, who gave evidence the other day, said that the average number of appointments which fall vacant in the course of the year is 2,100, and the average number given to soldiers in the Post Office alone is 450.

Mr. *Benson.*

1267. A year?——.

Colonel *Lockwood.*

1268. A year?—That is an improvement. I was over in Belfast last autumn, when I went to see the secretary of the local employment society, and I found that there had not been a single appointment given in the Belfast district. There were some hundreds of men registered, I think 320, and they had scarcely got employment of any kind over there, although I know that the secretary is very energetic, and works hard for it.

Colonel *Murray.*

1269. Are you talking of the marines?—No, of the Army generally.

Colonel *Lockwood.*

1270. What means would you suggest to increase the employment; I take it you think that the Government should take the lead in the matter?—Yes.

1271. But in what way?—I think in the first place all lower division clerkships and all subordinate Government situations should be thrown open to the three services, that is, the Army,

Colonel *Lockwood*—continued.

Army, the Navy, and the Marines; and that there should be one employment agency. Having regard to the number of agencies we have, I do not know whether we do not defeat our object. They do not work against each other, on the contrary they work very cordially with each other, but at the same time an employer does not know exactly where to go.

1272. Therefore you think a State agency would be simpler and better?—Certainly I think so.

1273. Do you think that the establishment of technical schools in the Army and in the Marines would assist soldiers in after life to get employment?—Certainly.

1274. And you would be in favour of that?—Most certainly. The reason why Marines have less difficulty in obtaining employment than some other branches of the service is this: that they have learned a trade on shore or on board ship, or acquired a handiness and self-reliance which is found useful in civil life. Employers who have had experience of the good qualities of ex-Marines will as a rule recommend them to others.

1275. We know that by reason of the great advantages held out to Marines you do get a very much better class in the Marines than we do in the line generally. Do you not think so?—No; it is what we make them. We get the same class exactly, but we do not take any man who is not a desirable character. That is an important point.

Colonel *Murray*.

1276. How do they learn a trade in the Marines?—A man occasionally acquires one on board ship and sometimes at a dockyard abroad.

1277. Without being at school he absorbs knowledge in his employment?—He absorbs a knowledge while he is on board ship.

Colonel *Murray*—continued.

1278. Which they have not an opportunity of doing in the Army?—Which they have not an opportunity of doing ashore. The fact is a man in the Infantry has a great deal of time to himself, far more than a Marine has.

1279. He cannot make his time available?—No, I believe not; so far as being taught anything which may be useful in civil life.

Mr. *Brookfield*.

1280. There is no doubt that a Marine has less difficulty than an ordinary soldier of the line in getting employment. You stated that one reason was his knowing a trade. Is not another reason that he has a sort of permanent home? How many permanent stations are there ashore?—Practically five.

1281. And sooner or later every Marine returns to one of those depôts?—Exactly.

1282. And if a home battalion of the line should always be stationed in their territorial district do you not think it follows that they would get these advantages that the Marines have of establishing a local connection at home?—Practically they do that now, or they try to do it as much as possible, by the territorial system.

1283. But a home battalion moves about the country?—You may saturate the place with discharged men, and to a certain extent we must do that in the neighbourhood of our headquarters. Most Marines fortunately when they leave the service have got a reasonable sum saved which they do not squander, so that they are not bound to take the first situation that offers, I am afraid that that is not so often the case with other branches of the service.

1284. But if a home battalion never moved out of its territorial district, but stayed at depôts, as it were, you say it would increase the chances of civil employment for the men?—Yes.

Lieutenant Colonel RITCHIE, called in; and Examined.

Chairman.

1285. I THINK you are Deputy Adjutant-General at the Horse Guards?—I am in the office of the Deputy Adjutant General at the Horse Guards.

1286. What is your official position?—I am superintending officer of the office.

1287. You were, I think, examined before the Select Committee of 1876–77, which inquired into the same subject that we are now engaged upon?—Yes.

1288. You have, I think, taken a considerable interest in this question?—I have.

1289. And you probably have watched the development of the matter since it was first taken up by the recommendations of the Committee?—Yes, that is so.

1290. Will you kindly inform the Committee now what is your opinion as to whether full effect has been given to the recommendations of

Chairman—continued.

the Committee, and if not, why not?—Since the report of the Committee in 1877, very large strides have been taken in the employment of discharged soldiers, but, in my opinion, not nearly to the length that those recommendations should go. Why, I cannot say. There may be some difficulty, educationally; that is to say, a man leaving the Army after his first period of service may not find himself altogether educationally qualified to take up many positions which are open to him. When I say not educationally qualified, he may not have had the opportunities in the service of keeping up his education, or advancing himself sufficiently to fit him for some posts.

1291. Of course, if a man is not fitted for any particular situation, whether from deficient education, or from any other cause, you can hardly say that, to that extent, the recommenda-

Chairman—continued.

tions of the Committee have not been carried out, because they only contemplated the employment of soldiers in positions for which they were fitted, and not for positions for which they were unfitted. But do you think that to the extent, apart from educational qualification to which they are fit, they are employed?—Perhaps I might qualify what I said just now. The question of employment by the State, after a man's discharge, is not sufficiently realised by the soldier; if it were, I have no doubt whatever but that great effort would be made on the part of a large number of men to qualify themselves for various positions in the service. I think that if a statement could be formulated of the posts which are open or could be open to the soldier after discharge, with the various qualifications required for each, a very much larger number of men would qualify for them on leaving the service than there are at present, and to that extent, a larger number of men might be employed after their leaving the Army.

1292. Still, taking things as they are, do you think that a soldier is as fully employed when he leaves the service as he might be?—Hardly so, because heads of departments (and when I say heads of departments I am speaking more particularly of the manufacturing departments) look with some degree of doubt upon the employment of soldiers to a very large extent, especially Reserve men, for the simple reason that, in the event of mobilisation, their department would be depleted in a large measure, and perhaps in a period of very great stress they would find themselves crippled for want of men who have a knowledge of their work. These men could be replaced by civilians, but they would come in entirely new to the work they had to perform, and the department would be crippled to that extent, at a time of very great stress and pressure.

1293. At that time of very great need would it not probably be the case that there would be an abundance of unemployed labour; on the outbreak of war, for example?—That might or might not be the case. I hardly see how it would follow as a matter of course.

1294. A war might cause a considerable stagnation in trade, and orders for especially manufactured goods from abroad would probably cease for a time or diminish?—It might be so; but I can hardly imagine that state of affairs on the outbreak of war. Stagnation of trade would follow war, no doubt, to a large extent. I think the difficulty would be that in the event of mobilisation for war, where a large number of reservists are employed, the departments would be more or less depleted of efficient hands, and that they would suffer to that extent.

1295. If, on the other hand, the Government were distinctly to announce that they desired to employ Reserve men, and took the risk of their being called away, then do you think that the heads of department would be disposed to co-operate loyally in the matter?—I think so. I think on all hands there is a very great desire

Chairman—continued.

to do all that is possible for the discharged men.

1296. But there is some sort of pronouncement required on the part of the Government. The Government, to use a slang phrase, must give the office?—I think so, decidedly.

1297. Do you think that soldiers, scattered as they are over the world, have sufficient facilities in peace time to qualify for examinations?—Yes, as a rule, I certainly think so. I think it is solely the fault of the individual if he does not improve himself.

1298. You think they have abundant leisure for that in peace time?—Yes, and, as a rule, the means, because there is hardly a station now, except a few isolated ones, where you will not find an Army schoolmaster and a garrison school, and I look on the facilities thus afforded as ample for any man to educate himself up to it.

1299. The inducement is the thing that is wanted?—Yes. The soldier is practically in a state of ignorance as to what is before him with regard to employment on leaving the service.

1300. And, generally, you say the extent to which this provision of employing soldiers is carried out would very much depend on the amount of earnestness thrown into the business?—Quite so.

1301. And although I gather your opinion is that a good deal has been done since 1877, you still think there remains a great deal to be done?—A great deal to be done.

1302. You think that a stimulus of some kind is wanted?—Yes.

1303. Does it come within your experience how far the different Government departments communicate with the War Office on the subject of employing soldiers? Do they go out of their way to do it?—I cannot say. That is beyond my official knowledge.

1304. You do not know whether the War Office have ever jogged their memories on the subject?—I cannot say.

1305. Do you know to what extent the employment of discharged soldiers is carried out at the War Office itself?—With regard to the whole of the messengers, some years back a soldier as a messenger at the War Office was the exception, now it is quite the other way. The exception would be the civilian or the man taken from civil life. I think that, with very few exceptions indeed, the whole of the messengers now employed at the War Office are either pensioners or Reserve men, and the order with regard to the employment in such posts now is that they should have served in the Army.

1306. With regard to the junior clerical appointments, from your knowledge of matters, is that the sort of work that you think a well-educated soldier might reasonably pick up?—Certainly, with regard to all the lower division clerkships they might. For instance, in my own office, I have under me a clerical staff which is wholly military. I have 22 non-commissioned warrant officers and non-commissioned officers serving under me in the office.

1307. Are

Chairman—continued.

1307. Are they taken from the strength of the regiment?—Yes.

1308. Then there are so many to be deducted?—No, they are in addition to what we call the effective establishment. But they are still soldiers.

1309. How long do they remain in the army?—They go on for a pension. Some of them go on for 25 years' service, or 30 years' service.

1310. In that way I suppose the object in view is not aided very much?—Hardly at all.

1311. But, taking your regiment, there is a very large command of skilled intelligent clerks out of such a large body. I am speaking of the Royal Artillery?—Yes.

1312. They have the means of finding out, of a large body of 50,000 or 60,000 men where the clerks are, and of picking them out; but taking the public officers generally, do you think a disposition is shown to employ ex-soldiers in subordinate places?—No, not so far as my own knowledge is concerned. There is very little disposition to do so.

1313. Do you not think that if there is a large number of these men who are qualified to do the sort of work which these men have to do, it is likely to lead to competition?—I look upon every non-commissioned officer or soldier in the Army who obtains a first class Army school certificate of education, quite equal, educationally, to the lower division clerks. The subjects of examination are pretty well the same with the exception of making digests, a précis of correspondence, indexing, and so on. Those are things, of course, which are matters of intelligence, especially précis writing and making digests; a man who seizes hold of the principal points of a correspondence quickly, would not experience any difficulty.

1314. It is also a matter of training?—Certainly. There is a certain amount of training necessary, but there is nothing very difficult about it.

1315. Supposing it was left with you to formulate a systematic plan for the employment of soldiers in all the public offices of the Government to the extent to which they could be employed, may I ask what particular point you would put into the forefront?—As a preliminary, I should of course carefully review all the appointments in each department of the State which could probably be filled by soldiers, and which would be within their educational reach, and, having done that, I should make a list of such appointments, and given that the authority of the State were granted, I should publish that list of appointments with the qualifications required for each, either by, competitive or a qualifying examination, whichever is thought best, and preferably I would limit the candidates to men who were in possession of first-class Army school certificates. I would do that for this reason, rather than leave the thing open to general competition in the service: I think that a non-commissioned officer or man, who sits down and works up for a first-class Army certificate in his spare time, evinces a certain amount of grit, which it is right his superior officers should encourage, and I cannot help thinking that with the inducement of employment in the service of the State, after

Chairman—continued.

discharge, before the men, you would find the education standard of the service increase very much. Of course all cannot succeed, but all can try; and we should have a very much larger number of educated men, of men aspiring to something beyond their present position, than we have now. I think the service, speaking in a general way, would improve all round educationally; we would have a higher feeling, greater emulation, and a tangible point to work up to, and wherever that exists there must be a better and higher tone.

1316. With regard to appointments: for instance, for in-door work, you would give the preference to men who had got a first-class certificate?—Certainly; but for out-door work, men with second class certificates should also be taken.

1317. But supposing the best men could not fill up all the appointments, would you not admit soldiers as well educated as civilians are for civil appointments to those positions?—Yes, I would, subject to a specific qualification or test for entering.

1318. Beyond what it is now?—Yes, if deemed necessary.

1319. There is a test, but it is not a very high one?—Yes.

1320. The agency now, which is self-organised, and self-maintaining, works from the centre of London in connection with all the different regimental centres?—Yes.

1321. Have you had an opportunity of watching how the two work together, so as to see whether there is any real practical connection?—From personal experience I cannot say, but from conversation I should think the outlying branches do work well with the central branch.

1322. We have had it stated in evidence that, in some cases, employers of labour having heard of the regimental central branch, have had no assistance from it, and that there has been no attempt to seek their help to employ people; that shows some want of control apparently, does it not?—Yes, I suppose it would. Of course that arises from the want of local effort, and every local branch to aid the employment of discharged soldiers is not, perhaps, in touch with the London branch. I think there are many local institutions or branches of this large institution formed without being under the ægis of the central branch in London here.

1323. It appears that General Fielding, the Inspector General of Recruiting takes a very great interest in this question?—Yes, very great.

1324. And he is in communication with all those regimental centres, and he gives a great stimulus to it?—Yes.

1325. Apparently it is no part of his specific duty; and if he were to retire from his present post, it does not follow that that same pressure and stimulus would be kept up?—Not at all.

1326. Can you suggest any agency by which continuity could be secured: and do you think it desirable that, instead of having private central agencies, the Government themselves should establish an agency under the War Office for this purpose?—I should make it a part of the duty of the Inspector General of Recruiting, inasmuch

Chairman—continued.

inasmuch as he is the only officer on the head-quarters' staff who is brought into connection with labour and employment, so far as it relates to men of the army.

1327. On the other hand, if that were done, there would be an immediate cessation of all subscriptions to the society which is now to a great extent self-supporting. It has a grant from the War Office, but it does receive a considerable amount of subscriptions; and it also helps to support the local agencies all over the country, more or less. Would you surrender all those advantages?—There is no doubt it would be very difficult to assimilate the public aid which this institution now gets, with financial administration by the War Office. It would be a great difficulty.

Colonel *Lockwood.*

1328. I suppose if that difficulty could be got over you would be in favour of establishing, as it were, a sort of Central Labour Bureau under the control of the Inspector General of Recruiting?—Certainly.

1329. Do you not think the establishment of technical schools in regiments would be of assistance, where bookkeeping and that sort of thing were taught? Do you not think that would be an advantage to the reservist?—I think the institution of such schools would be of immense advantage.

1330. And do you think the men would readily avail themselves of it?—Yes, if they had an object to work for, certainly.

1331. If it were known that a certain opportunity of Government employment were always thrown open to men of certain intellectual calibre?—Exactly. You must, I think, in all these things, and in the Service especially, have a stimulus before the man, he must know what he is working for; and that is one great point of weakness now. A man is quite in the dark with regard to the positions that he can look forward to getting under Government on discharge.

1332. Do you think it should be set forth when a man enlists that amongst other advantages there is a chance of State employment?—Yes.

1333. Do you think that would give a stimulus?—Yes. As far as this question of employment goes, what we want is to follow the German system, to a large extent. Every man in the German Army after serving several years is entitled to a State employment certificate, and they have nearly 140,000 posts for their men; they permeate every institution throughout the country, such as railways, post office, schools of art, museums, and everything else, but we could not go to such an extent, the constitution of the State, and its control, being different.

Viscount *Wolmer.*

1334. Are you familiar with this document (referring to "Reports from Her Majesty's Embassies in Austria, Hungary, France, Germany, and Italy, on the civil employment of soldiers and sailors on completion of service")?—No. The work I have read is by an official of

Viscount *Wolmer*—continued.

the name of Radke, who writes very exhaustively indeed on this subject, and he gives a series of tables which are not contained here. We want to follow some such rule as is laid down in his pamphlet.

1335. This is the guide by Radke (referring to "Guide for non-commissioned officers and men of the German Army and Navy when candidates for employment in the Imperial and Prussian Civil Service, by Radke")?—Yes.

1336. These two books you think would give us all the information on the subject?—Yes, with regard to the German Army; but I do not think the information about the French Army is so full.

Colonel *Murray.*

1337. During the last Committee on the subject it was stated in evidence that out of 77 clerks employed in the Commander-in-Chief's office there were only two soldiers or *ex*-soldiers; can you say how many are employed who are or who have been soldiers?—We would have to particularise, I think, a little when we speak of the Commander-in-Chief's office. In the office itself we mean the branch pertaining to the Military Secretary.

1338. In 1877 it was stated with regard to the Military Secretary's Department, the Quartermaster General's Department, and the Adjutant General's Department?—The Military Secretary's Department employ no military clerks whatever; in the Adjutant General's Department there are at the present moment about six employed; and in the Quartermaster General's Department they have about 14.

Viscount *Wolmer.*

1339. Are those men serving on their engagements?—Yes, on their engagements.

Colonel *Lockwood.*

1340. Are there none who have passed through the Army?—No, not discharged men.

1341. None at all?—None at all.

1342. Not in any of those departments?—Not in any of those departments, with one exception, namely, with the exception of one man in the store branch; he continued in the service after his discharge.

Colonel *Murray.*

1343. Do you find that men who come to you are better educated than formerly, and more fit to take employment of the class which is required in military offices?—No, I cannot say that particularly with regard to men coming in as clerks; but with regard to education generally, I think that the amount of education in the Service is much greater than it was. I may say it has developed very much during the last 10 years.

1344. Does it make them more suitable for employment in civil life?—Hardly. I think it is more the outcome of the attention which has been paid to the education of the people throughout the country generally.

Captain *Grice-Hutchinson.*

1345. I should like to ask you one or two questions on this point of technical education. I suppose

Captain *Grice-Hutchinson*—continued.

I suppose the first class certificate, or the educational certificate which a non-commissioned officer goes in for now is purely education for a profession?—Yes, to a certain extent.

1346. There must be a certain amount of skilled workmen who enlist every year in the line. I am not talking of the Royal Engineers, but there must be a certain numer of mechanics or men who know a trade I suppose?—Doubtless there are.

1347. And they have no opportunities, I suppose, of keeping up any trade which they have learnt in the army?—In certain trades they have, because in most garrisons now (and this has been the case for some few years back) all the repairs in connection with the barracks are carried out by the men, for which they receive extra pay, and of course if you want to carry this out properly and efficiently, you want painters, bricklayers, plasterers, carpenters, and all those people; and, in so far as those trades go, a man entering the Service in possession of one is not likely to forget it; in fact, he has sufficient usage of it to land him in civil life after his seven years, or his 12 years, as the case may be, in the Service, with a fair continuity of knowledge and practice of his trade.

1348. Are not the repairs carried out by the Engineers' Department?—Partly so, but not altogether: this labour of which I now speak, in connection with repairs to barracks and buildings, is carried out by men of various regiments in conjunction with the engineers. The Engineer Department act as supervisors.

1349. Colonel Lockwood was mentioning the question of a technical school in each regiment. Do you think it would be possible to carry that out to any extent?—No, we might have a technical school to each station.

Colonel *Lockwood.*

1350. I meant at each station?—A regiment is too small, but you could have them at Aldershot, Portsmouth, Dover, or at any of those places.

1351. In any garrison town?—Certainly.

Captain *Grice-Hutchinson.*

1352. Of course it would be a great advantage to a soldier to keep up any trade that he has learnt, and it would not unfit him for civil employment; I mean, at present very often a man has no doubt got rusty in any trade he has learnt, because his employer tells him to wipe out that altogether, and he therefore begins at the bottom of the ladder again. If opportunities of this kind could be afforded at large military centres, so that he could keep up his trade, it would be an advantage to him?—It would be an advantage, certainly.

Mr. *Benson.*

1353. It would be a great expense to have technical schools for soldiers at a garrison town, would it not?—Certainly it would.

1354. On the other hand, we may hope that soon there will be technical schools at every garrison town. Probably they will be for the benefit primarily of the civil population; but

Mr. *Benson*—continued.

why should they not be employed also for the purpose of benefiting soldiers?—Of course, if your technical school is, or will be, a State school, there is no reason at all why the advantages it confers on the civil population should not be extended to the Army.

1355. They could be utilised, I presume?—Yes.

1356. You said that you have had a number of military clerks under you in your own department?—Yes.

1357. They are technically supposed to be serving with the Colours, are they not?—Yes, they are in the Army Estimates.

1358. Do they leave you when they have completed their seven years' service?—I cannot say that; because a man who enters an office in the Service, as a rule, if there is anything in him at all, remains in it. He goes on extending his time from seven years to 12 years, and from 12 years to 21 years, and longer than that.

1359. So that ultimately they qualify themselves for pensioners. You say that some of them, in your estimate of them, would be quite fit to get into the Second Division of the Civil Service?—Yes, they are quite capable of performing the duties of a Second Division clerk of the Civil Service.

1360. Are they not below the average of the Second Division clerks?—I think not. I think that they are quite equal. In my own office the work is extremely varied, and at times very complex, because, of course, we have to deal in a small way with every question that affects the whole constitution and administration of the Artillery Service, and I have never found the men I have under me fail in their work. They have always done it very well, and they have been commended by Office Committees which have sat from time to time. I certainly think, as a matter of opinion, that the employment of a large number of men in the clerkships of the Second Division, especially in connection with the Army, is more or less an unnecessary expenditure of public money, because these men of the Second Division enter at 70*l.* a year, and they go up to 350*l.* With regard to military clerks who are employed in the War Office, the outside salary they get is 180*l.* a year, and some of those men drawing 180*l.* a year are in the position of warrant officers and superintending small branches of their own departments, and certainly some of them are doing higher work than the work a Second Division clerk is doing.

1361. At lower pay?—At lower pay.

1362. Do any of your men ever try to get into the Civil Service?—No, I cannot say that they ever do. The outlet to the class of men I have serving under me in the office, is higher promotion in the Army. They look forward to to getting a commission as quartermasters, lieutenants, and so on. In my own particular branch, where I have been for a very long time, I think I can count over 20 men who have left the office during the time I have been there as commissioned officers, and that is the only thing they have to look forward to in their position of clerks, because once they reach the position of

Mr. *Benson*—continued.

superintending clerk their career is closed *quà* the office, and they have to look out for something else.

1363. Do these men come to you at the very beginning of their term of service?—Some of them do. It is the same in military offices as elsewhere. It takes time to get into all the routine of the office and to get the different work into your mind; and when a man has learnt all that he becomes valuable, and one does not care to lose him.

1364. Do you suppose that they are picked men from the Army for that class of work, or do you think that there are plenty of men with capacity of that kind?—I think there are plenty of men outside, serving in the ranks of the Army, who are quite their equals in education, intelligence, and all that kind of thing. Many men who come into the Service have a very active mind, and they will not take to a sedentary life. They will not take to office work.

1365. Do you think, if they endeavoured to get into the Civil Service by means of a competitive examination there is anything in the suggestion that they would compete at a disadvantage owing to the fact that the men competing against them would be fresher, a great many of them coming from school, such as pupil teachers and people of that kind, examinations having been their business for some years previously?—I think there is a very great deal in that. After a man enters the Service, and has been in the Service for two or three years, and perhaps longer, I think it is hardly fair to ask him to compete with a mind fresh from school.

Chairman.

1366. He has not flexibility for working?—No, he cannot grasp the questions so well as a younger man can.

Mr. *Benson.*

1367. Without being less intelligent?—Quite so. I regard the position in this way somewhat: If I were called upon to form a new office, and given a choice between men who come up for Civil Service examinations, and a selection of a certain number of men from the Army, I would, without hesitation, take the Army men to form my new office. To begin with, he has imbibed principles of discipline, order, and method, which are, to my mind, invaluable. These have all to be taught to the civilians, more or less, and in any institution, office, or be it what it may, they are very essential elements to begin with, and when you have intelligence and education behind it, and all that kind of thing, I cannot help feeling that the one class of men is infinitely before the other.

1368. You have had that experience yourself?—I have been in the War Office now since 1861, when I came from India, and of course I have been during that very long time brought into very close and intimate relations with the civil element without having any of them under me. I have to do with them every day of my life, and in one's work comparisons dawn on one, and one naturally draws them.

Mr. *Benson*—continued.

1369. Do you think that the only way of ensuring that a certain number of qualified old soldiers shall be passed into the employment of the State and Civil Service, would be to reserve a certain proportion of appointments for soldiers?—I certainly think so; a certain number, to which the soldier, the reservist, or the pensioner may look forward. I think it should be an assured fact to him that when he enters the Army there is, after the Army, something which lies within his own power to get by qualifying himself during his service, keeping up his education, improving it, and taking advantage of whatever educational means he may have in the service so as to qualify him for a State position ultimately.

1370. Do you think that in order to get a sufficient number of soldiers into employment in the Civil Service, as really an outlet for men in the Service, it would be necessary to reserve a sufficient number of vacancies?—I think so; certainly.

1371. But, failing that, I understand you to think that a good deal could be done by diffusing among soldiers knowledge of the posts that were open to them?—Quite so.

1372. By the publication, in fact, of some book like that shown to us just now?—Yes.

1373. There are a great many employments in the Civil Service under the Customs and Excise, such as messengers, and a good many minor appointments, with regard to which there is a qualifying examination, and which are not given by competitive examination. I gather you to suggest that a first-class Army certificate could be taken as an equivalent to a pass for those qualifying examinations?—Yes. With regard to minor outdoor posts in the Customs I should be inclined to go lower than that, and to say that any man in possession of a second-class Army certificate would be duly qualified for it, because the second-class Army school certificate includes all men in the rank of sergeant in the Army, the second-class school certificate is a qualification for promotion to the rank of sergeant. No corporal can be advanced to the rank of sergeant unless he is in possession of such a certificate. In the ranks of the Army I say that we have a fairly high amount of intelligence, and, speaking of the class of people who fill these positions in the Customs, I think that sergeants in the Army would most favourably compare with any of them, and that, with a man discharged as a sergeant, and in possession of a second-class Army certificate of education, there ought to be no question at all about his employment in one of those positions as against a man passing the simple qualification in civil life.

1374. Do you know as a fact whether the War Office and the Civil Service Commissioners have conferred at all together as to the possibility of putting a value for civil purposes on the military educational certificate?—I could not say.

Mr. *Brookfield.*

1375. Could you tell me about the number of men employed in the War Office who are serving with the Colours?—About 100.

1376. Is

Mr. *Brookfield*—continued.

1376. Is there any definite reason for employing those men in preference to reservists; is it for economy or policy?—For convenience, I should think. You get a man in the Army in any office as a clerk, or into any of the departments of the War Office as a clerk, and if he is a good man it is the policy of the office to keep him there, and it is for the convenience of the office, too; and when the time arrives in his military history when he would go to reserve, instead of doing so, he re-engages for a further term, and that explains the continuity of his service with the colours, so to speak, whilst at the War Office.

1377. But is not that convenience of the War Office secured at the expense of the regiment or battalion?—No; because these men employed in the War Office as clerks, although borne on the Estimates, are still borne in excess of the effective establishment of their regiment or company. For instance, if you take a man from the Worcestershire Regiment serving at Aldershot as a clerk and send him to the War Office, his place in his regiment is immediately filled up.

1378. I quite understand that, but still, do you not think that 100 men, or whatever it is, is a large proportion, and that many of those places might go to reservists?—It would simply be a question of employing so many reservists against a certain number of men on the active list, but who are supernumerary thereto.

1379. Again, with regard to your establishment being depleted in the event of mobilisation, it would be depleted of men with the Colours as well as reservists?—No, it would not be depleted at all with regard to these men because these men stay.

1380. Could you not meet the difficulty with regard to the reservists by giving them unlimited furlough, for instance, and keeping them where they were?—Then you would deplete the reserves.

1381. Only to that extent?—Yes.

Mr. *Brookfield*—continued.

1382. That is not a very serious matter, is it?—No, not with regard to that, but with regard to this question we go a little further than the employment of the 100 men in the War Office. We are contemplating the employment of some thousands of men perhaps in the reserve.

Colonel *Lockwood.*

1383. We had a gentleman here, late of Her Majesty's service, who stated that in his opinion the fact of serving as a soldier destroyed in the individual his initiative and suitability for responsible employment. You having had considerable experience both with soldiers and civilians, do you think that is a fair definition?—No; but there may be some truth in it.

1384. You think there is?—Yes, to some extent in individual cases.

1385. He also said that the few good men he had come across as ex-soldiers were men so good originally that the fiery furnace of the Army had not unfitted them for civil life; would you say that?—No, I do not think that is a fair definition.

1386. The words he used were that the few good men, ex-soldiers he had known, were men so good originally that although they had served in the Army they were still good; you say you do not think that is a fair estimate?—No, and for this reason: At entry, with regard to the vast majority of men in the service, their characters are entirely unformed. You get young fellows 17 or 18 years of age, and a lad has not then begun to show what is in him or marked characteristic. He is formed afterwards in the Service, and though his life may be one of such dependence that he may lack initiative, I do not blame the service, in which there are many opportunities for calling forth readiness and resource; it is rather an individual fault.

1387. It may be an individual fault, but you would not apply it generally to the men?—Certainly not.

Tuesday, 31*st July* 1894.

MEMBERS PRESENT:

Captain Bethell.
Mr. Brookfield.
General Sir George Chesney.
Captain Grice-Hutchinson.
Colonel Lockwood.
Colonel Murray.
Mr. Wilson (Durham.)
Mr. Woodall.

GENERAL SIR GEORGE CHESNEY, IN THE CHAIR.

Colonel G. SALIS SCHWABE, called in; and Examined.

Chairman.

1388. YOU are connected with the 28th Regimental District, are you not?—Yes, I am in command of the 28th Regimental District.

1389. Where are the headquarters?—The headquarters are at Bristol, and the district comprises the whole of Gloucestershire.

1390. You have, therefore, in that position, I suppose, had considerable opportunities of watching the proceedings connected with the finding of employment for discharged soldiers?—The finding of employment for discharged soldiers in Gloucestershire is entirely under me. I am assisted by the recruiting officer, Captain Johnson, who is very enthusiastic about it, and also by an adjutant of volunteers, Major Baines.

1391. Does the latter take up the work voluntarily?—Yes. Captain Johnson, as the recruiting officer, is ordered to take it up, just as I am, as in command of the district.

1392. Do you correspond in matters connected with the employment of old soldiers with the Inspector General, or with whom?—Yes, I correspond with the Inspector General of Recruiting.

1393. And you are, in that respect, are you not, a branch of his department?—Yes, in that respect I am, because the employment of old soldiers is connected with recruiting.

1394. Will you be good enough to say what is your procedure, and what has been, in a general way, the results of it?—We first of all formed a general association, of which Lord Ducie, as Lord Lieutenant of the county, was president. The leading gentry of the county became vice-presidents, and then I, myself, as commanding the 28th Regimental District, became a vice-president, and the officers commanding the various battalions of the Gloucestershire Regiment, including the militia battalions, and the volunteer battalions, also became connected with it.

1395. Where is the head office stationed?—The head-quarter office is at my headquarters, at Bristol.

1396. Is it in Bristol, or in the neighbourhood of Bristol?—The barracks are four miles out of Bristol, but we have a branch office at the recruiting barrack, which is in Bristol itself. We also have an office in the barracks in Gloucester; it is under the adjutant of the volunteer regiment, which has its headq-uarters in Gloucester. The chief function that these members have hitherto fulfilled has been that of subscribing and finding us the funds with which to work our association. The actual work has been done at Bristol chiefly by the recruiting officer and myself, and our agents have been the non-commissioned officers who are employed on recruiting, and the various instructors of volunteers.

Chairman—continued.

1397. Do the Queen's Regulations provide specifically for this supervision as part of your duty?—Yes. There were issued with the Army Orders of 1st January 1893 instructions as to the civil employment of Army Reserve men and discharged soldiers, which lay down that the arrangements are to be under the officer commanding the regimental district.

1398. Can you tell us what number of men in a general way you have to provide for, or who come to you for employment, and how far you are able to secure them employment?—I generally have about 150 applications in the course of a year. Some of these men remain on the register, not being provided for, so that the actual number of men on my register would be in excess of 150. This organisation took place on the 1st of January 1892, and I would like to divide the period between then and the 31st of March 1894 into two, namely the first 18 months from the 1st of January 1892, until the 30th of June 1893, and the nine months from the 1st of July 1893 to the 31st of March 1894. For the first period the 1892 conditions as to post office employment were in force, and for the second period the 1893 conditions were in force. During the 18 months that the 1892 conditions were in force, I was able to place 125 men. I offered 152 men appointments, but the balance declined them. That was for the period of 18 months ending the 30th June 1893. In the nine months following, namely, the nine months ending 31st March 1894, I offered employment to 57 men, and such employment was accepted by 45.

During

Chairman—continued.

During the first period of 18 months I placed 109 men in the post office, and 16 in other employment.

Colonel *Lockwood.*

1399. In what post office?—Different post offices. I might say that they were mostly in Gloucestershire, and some in South Wales. If you will allow me I will explain afterwards why I placed them in South Wales. There were 16 men placed in other employment than post office. In the following nine months, when the 1893 conditions were in force, I placed only 11 men in the post office and 34 in other employment. The reason that in the first period I placed some of the men in South Wales was that the regimental districts of South Wales were not in working order, and as the head-quarters of the South Wales postal arrangements is at Cheltenham, in the Gloucestershire district, the surveyor of the post office put himself in communication with me, and I took up the work until the South Wales regimental district had organised their offices. In order to compare the two periods, the period under the 1892 regulations and the period under the 1893 regulations, perhaps you will allow me to say that for the whole of Gloucestershire and South Wales, which is a very considerable part of England, containing nearly a million and a-half inhabitants, I can give you the figures. During the eighteen months, under the 1892 regulations, the post office took 147 men in those districts; during the nine months following, under the 1893 regulations, they took 23. If we base the average number for the total two years and a-half the average number would be 75 per annum, but the average number during the first eighteen months was 93 per annum, and the average number during the last nine months was 31 per annum, and the average number during the last nine months is the present rate, not the average number of the whole period. Then with regard to Gloucestershire only, I ascertained that between the 1st of April 1893 and the 30th of September 1893, in six months, there were 99 vacancies for established postmen, so that if we double that number, the average annual vacancies in Gloucestershire would be 198. During the last twelve months 13 ex-soldiers have been supplied by me towards filling the vacancies, which average 198. That is for the year ending the 30th of June 1894.

Mr. *Wilson.*

1400. Could you have supplied more if you had been requested?—Yes; I have a very large number now waiting upon my books, and I wrote or called upon the postmasters at Bristol, at Cheltenham, at Gloucester, at Stroud, at Cirencester, and at Tewkesbury, and upon the surveyor of the South Wales district, and other persons.

1401. I understood you to say that you had in the first eighteen months 152 men on your books, and of these you found employment for 125, while 27 refused?—I had more on my books. I said that about 150 applied in a year.

1402. But I understood you to say that 152 made application for employment in the first

Mr. *Wilson*—continued.

eighteen months?—No, I did not say that; I offered employment to 152, but more than that applied.

1403. And 27, you say, would not take the employment?—Yes.

1404. Then if 27 refused, where would you get the extra men?—I had more waiting.

1405. Then you would offer employment to more than 152, would you not, if you had them on your books?—No, there was no employment available for more.

1406. But if 27 refused and there were vacancies for them, why did you not offer them to others?—I had not 152 vacancies. I will give you the figures; I had 125 vacancies, and I appointed 125 men, but in getting those 125 men I offered the vacancies to 152. When a man refuses I offer the vacancy to another till a man takes it.

1407. How many men had you on your books in the last nine months; in the last nine months you offered employment to 45, I understand?—I offered employment to 57 and 45 accepted, so that 12 refused, and I had 187 men on my books during that period, because there were men left over from previous years. There was then a question, also, of temporary vacancies. There are always auxiliary men wanted at Christmas; application was made to me, and I was able to supply men to act as auxiliaries for about a fortnight at Christmas. But there are a number of posts with very small salaries, because the work is not hard. About 7*s.* a week seems to be the usual salary for these posts, and I found that application was not being made to me for men to fill these vacancies, although I was in a position to fill them, because I had pensioners on my list who had a sufficient amount of pension to enable them to take light employment from 7*s.* a week and upwards. In consequence, I wrote to the Surveyor General of the Post Office, at Cheltenham, and he wrote on 30th November 1893, informing me that during the six months, between the 1st of April 1893 and the 30th of September 1893, there had been in Gloucestershire vacancies for substitutes for established postmen to the number of 15; that he had offered two of these 15 vacancies to reservists and 13 to men who were civilians. He said that such vacancies were not offered to soldier candidates, as the wages were usually less than 15*s* a week, and it was believed that soldiers would not accept them. Then his letter goes on: "This, however, is now being done when there was not an officer with a prior claim." Supposing the average remained the same, 15 vacancies in six months, there would be 30 vacancies in a year; and, although nine months have passed since this letter was written to me, I have only been applied to for three men during those nine months. So that the number of vacancies during the nine months would probably be 22 or 23, of which three were offered to reservists and the remainder to civilians.

Chairman.

1408. Do you know how many reservists are living within your district?—I have not brought the figures with me.

Chairman—continued.

1409. Do they all come to your office to receive their pay?—No; it is sent to them through the Post Office.

1410. Have you any means of keeping a register of the actual number of reservists in your district?—Of non-commissioned officers, I have, because whenever a reservist non-commissioned officer comes to live in the district, I receive notice of his name, in order that I may make use of him as a recruiting agent. I also have a list of the reservists of the Gloucester Regiment in my district, but not reservists of other regiments.

1411. Can you, speaking from memory, say, about how many there would be of the Gloucester Regiment?—I should imagine about 600.

1412. Have you any information as to how they are employed, because you say that you had in that 18 months about 150 applications?—These were not from the Gloucester Regiment, but from all the regiments.

1413. As a rule, I suppose, the Gloucestershire men live in the Gloucestershire district, do they not?—Yes, they do, because they are nearly all recruited from the Gloucestershire district.

1414. But besides that, men from other regiments also live in Gloucestershire, do they?—Yes, because I recruit a great many more men in Gloucestershire than there is room for in the Gloucestershire Regiment; I only put about a third of those I recruit into the Gloucestershire Regiment and the others into other regiments. I recruit about 800 men a year in Gloucestershire, and I estimate that about 400 of those 800 come back each year.

1415. Then during the period you mentioned, when 150 men came for employment, do you imagine that that represents the whole number seeking for employment?—No; a great number get employment through their friends, and do not come to me at all. I think my estimate of the total number who come into Gloucestershire annually seeking employment is about 400.

1416. But do you think beyond the 150 who come to you and are on the register, there are a considerable number unemployed who have not come to you?—Not with good characters; the men with indifferent characters cannot get work, but they do not come to me because, by the orders from the Horse Guards, I only deal with men of good character.

1417. Does the reservist know thoroughly now that the district office is a place where he can register his name for employment?—Yes, he is told before he leaves his regiment; and not only that, but the battalion abroad usually sends me on a list of men coming home whom they can recommend as good men for employment.

1418. Is one of your battalions now in India?—Yes, at Aden, which counts as India.

1419. And men from there come home in the winter, do they not, as a rule?—Yes.

1420. And that, I suppose, is a time when the demand for men is short, is it not?—Yes, comparatively.

1421. So that they come to you in order to find employment for them?—They do; but if I could have half the number of the Post Office vacancies in Gloucestershire put at my disposal, I think I could say that I should have no difficulty in meeting the requirements of the soldiers; and I will tell you why. During the first 18 months when I had the South Wales appointments at my disposal, as well as those in Gloucestershire, I was able to place every man who applied to me for employment within about two months, and I made arrangements with the Midland Railway Company to give men recommended by me a preference for temporary employment in the goods department, whilst they were waiting for employment in the Post Office or other places. At Bristol there is a very large establishment of the Midland Railway Company, and they have to have a number of men, like casual labourers at the docks, who wait outside to be taken on, and they get just a few days' employment a week. I arranged with the Midland Railway Company's goods manager there that the soldiers recommended by me should have that opportunity, so that when a man came to me I was able to give him a letter at once to the railway company, and tell him "You will get two or three days' work a week there; you will be able to live on that, and keep your deferred pay in your pocket, and within a short time I shall be able to place you." That answered remarkably well, but, owing to the Post Office appointments having dropped to only 13 a year, I can no longer place the men, and the men do not care to take temporary employment at the Midland unless it is with the view of merely putting in their time there until permanent employment is found for them. Besides that, owing to the coal strike, the Midland Company were obliged to withdraw this privilege, because they had many permanent men of their own out of employment, and they, of course, employed them first. The same thing applied to the other railway companies. I had arrangements with them for employing reservists, but when the coal strike came they all fell to the ground, because there were no vacancies, and the railway companies have not quite got over the coal strike yet. They are beginning now again to require men, but only within the last few weeks.

1422. You have explained that your office is the medium of employment as regards the soldier, and also that the Post Office thoroughly understands that they can find, if they want them, employés through you, and I also gather that the Midland Railway Company is in communication with you; but, generally, what measures are taken to make it known to the employers of labour that you have this source of supply?—We advertise; I have brought the advertisement here to show you.

1423. I suppose Bristol is, is it not, a peculiarly eligible place to find employment?—Yes, very eligible.

1424. But that at present the Post Office hitherto has been the great fount of employment, as it were?—Yes; and the great advantage of having the Post Office is this, that when the men know that I can place a considerable number in the Post Office, the best men come to me, and, therefore, I have the best men at my hand

Chairman—continued.

hand to place into other appointments as well. Now that the Post Office no longer employ men, I do not think that the soldiers who come to me are all of them as good men for employment as those who came to me whilst I had the Post Office patronage.

1425. Does the Great Western Railway Company work with you?—Yes, the Great Western Railway Company have made an arrangement that they will give every fifth vacancy to an ex-soldier, and the vacancies are divided between the Gloucestershire Regimental District and the Dorsetshire Regimental District. During the two years that this arrangement has been in force, 18 men have been placed on the railway in permanent situations by the Great Western Railway and Midland.

1426. As porters?—Yes, mostly goods porters. I send to each railway company every two months a revised list of about a dozen men from whom they can choose. I had made arrangements also with the Postmaster at Bristol to send him six men every three months, so that he could see the men and choose, but, owing to the change in the postal regulations, that has fallen through.

1427. Are these advertisements put in periodically?—Yes, twice a week.

1428. Do you find that they meet with much response?—Not very much. We have a few replies. Of course it is improving, as I pointed out by the figures, which I will give again, showing the number that were employed otherwise than by the Post Office. Those are owing to these advertisements. During the first 18 months, I only placed 16 men otherwise than in the Post Office, and during the following nine months I placed 34, which shows a distinct advance.

1429. Do you also send any circular letters to the employers of labour at Bristol, such as mill owners?—No. I answer advertisements that they put in the papers.

1430. Do they let you know if a man is discharged for not giving satisfaction; is it common for them to inform you of that?—I think if they are dissatisfied with the men I send, they generally let me know, but otherwise I do not hear anything about it.

1431. Then the Committee understand that your district is peculiarly favourable for finding employment if care is taken, because you have such a great manufacturing centre there?—Yes, but there are other districts also as good, such as Manchester, Derby, and so on.

1432. There are some districts which are not at all favourably situated. Do they at all refer to you?—Yes, occasionally. We have an order from the Horse Guards that if an application for a man is made to any regimental district commander which he cannot satisfy, he should write round at once to all the neighbouring district commanders for a man, and I have always acted upon that myself. At one time when the Post Office business was very brisk for about a month I had no one on my books. I had provided everybody who applied to me with situations, and I wrote to the Commandant of the Discharge Depot at Gosport asking him to send me the names and addresses of any

Chairman—continued.

men living within reasonable distances of Bristol, who had come home and wanted employment. He sent me a number of names, and I was able to place a number of the men. I should like, if you will allow me, to show you the view taken by the Post Office officials with regard to the employment of ex-soldiers. I have been in correspondence with nearly all the leading Post Office officials in my district, and I found that they have been very willing to give me any information they can. They have all told me that they were quite satisfied with the soldiers that were sent to them, but they have not concealed that they do not like the system of having soldiers. Mr. Tombs, who is the Postmaster at Bristol, and a very well-known man, sent me a copy of a speech which he made, and I should like, with your permission, to read an extract from it. It was a speech made to the telegraph messengers on the 2nd October 1893. The extract is this: "Probably many would have read that Mr. Arnold Morley, the Postmaster General, has reversed the decree of his predecessor in office, that telegraph messengers should only reach the ranks of the permanent postal staff by first passing through the Army. This meant that Army Reserve men would find less employment in the Post Office than latterly. It would be a severe blow to the officer commanding this regimental district, Colonel Schwabe, who had taken the utmost interest in getting Post Office work for time-expired soldiers." Then he went on to say that under the late system their messenger staff had been fast deteriorating, and that respectable lads had fought shy of the telegraph office.

Mr. *Brookfield.*

1433. What was the general tone of the speech; that he regretted the change, or what?—No.

1434. That he rejoiced in it?—Yes. He said: "With the almost certainty of permanent employment as an inducement, and the knowledge that the telegraph messenger was coming to his own again, they hoped to again get good, smart, and respectable boys, like the older lads they now had." Since the new arrangements, and since that speech, I have only placed one ex-soldier in the Bristol Post Office. In placing men in employment I do not go by the parchment certificate of discharge. I go by an Army form which I have got here, B. 2088, which gives a great deal fuller particulars concerning a man than in his certificate. That is filled up in the regimental district to which the man belongs.

Captain *Bethell.*

1435. It is not filled up by the officer of the regiment he leaves, is it?—Yes, by the officer who keeps the records of the regiment which he leaves.

1436. It is not filled up by the officer of the regiment which he has just left, is it?—Yes, by the regimental district commander of that regiment, because the records of every man are kept at the district of the regiment to which he belongs.

1437. Supposing a man belonging to the Gloucester Regiment is sent home from Malta, would that sheet accompany him to you?—No.

Colonel *Bethell*—continued.

What would happen would be this. When a man is sent home from Malta, from a battalion of the Gloucester Regiment, all his documents are sent to me, and I make out that sheet from his documents and furnish that to any regimental district commander who asks for it.

Colonel *Murray.*

1438. On his transfer to the reserve?—On his transfer to the reserve, and with the information which is on that sheet I can judge what a man is fit for.

Chairman.

1439. All this involves a good deal of correspondence, I suppose, and office establishment?—Yes.

1440. From what source is that paid?—It is paid out of the subscriptions of the officers and their friends.

1441. The Horse Guards do not provide you, do they, with any special establishment for all this?—No.

1442. Are those subscriptions supplemented by any donation or grant-in-aid from the central society in London?—No.

1443. They do apparently assist some depôts, do they not?—Not to my knowledge.

1444. You have described the extent to which you are in communication with the Inspector General of Recruiting; how does the head office of the Army Agency Employment come into contact with you?—Only in so far as I have agreed to be affiliated, and send them a return once a quarter of what I am doing.

1445. That is a voluntary offer on your part, is it?—I was asked to do it, and I agreed to do it.

1446. I mean it has not been laid down by the regulations, has it?—It has been recommended; it is not an order.

1447. Then the regulations do refer to the point, do they?—No; I do not think the regulations refer to the point, but there has been a circular letter advising officers commanding regimental districts to affiliate themselves.

1448. Beyond your supplying them with information, do they give you any assistance?—No.

1449. If they found that an officer commanding a regimental district would not take much trouble in the matter, would they come on the scene?—No; the Inspector General of Recruiting would do it. He gets the returns and if he finds the regimental districts are not properly organised he visits them and organises them.

1450. Will you give the Committee any suggestions which occur to you for improving the system with regard generally to the whole question of finding employment for the reservists?—The whole crux; as it seems to me, is the question of the Post Office. If the ex-soldier had a certain number of Post Office appointments offered to him, I think the difficulty would be solved, and there is this to consider, that a very large number of civilians come in simply because they have been put on by various postmasters to do assistant work.

1451. Are you speaking of short-time men?—Yes. They come on as short-time men, or as

Chairman—continued.

substitutes, and as far as I know, there is no regulation as to how long they must have been employed as substitutes or short-time men to establish a claim to permanent employment. Under the 1892 regulations these men had no claim whatever, but under the 1893 regulations, they have. If we could go back to exclude those men, leaving the telegraph messengers their full privileges, I think that, so far as the time-expired soldier is concerned, the difficulty would be almost solved, but the question arises as to how you are to provide the men required for temporary employment. There must be a great many ex-postmen with small pensions who I should imagine would have been very glad to have taken those appointments, just as I find that Army pensioners are glad to take them; and instead of easy berths leading to an entrance into the Post Office service, I would suggest that they should be a mode of exit from the Post Office service.

1452. With regard to telegraph boys, if they were not provided for when they grew up, they would be thrown out on the world again, would they not?—They would, of course, but that applies to every firm who employ errand boys; the errand boys are not all provided for. At the same time it is perfectly true if you can provide for them, you can get better boys, and not only that, I can quite understand that a postman looks forward to putting his son in a Post Office just the same as an old soldier very often likes to get his son taken on as a boy in the Army.

1453. With regard to the regulation laid down by Mr. Raikes, in the first instance, that every boy, in order to be brought on to the permanent service, must go through the Army, do you know how long that experiment was carried out?—It was never carried out at all. As soon as the order came out I put myself in communication with the Postmaster at Bristol, and said I should be very glad to see any telegraph messengers who wanted to go into the Army, and I would advise them as to what regiments to go into, and would do all I could to see that they were properly looked after if they joined; but none of them cared about it, and it has never been in force at all.

1454. This then was a kind of threat held out, but only for a very short time, was it not?—What happened was this. Before the orders were actually issued, on 1st January 1892, it was arranged that telegraph messengers who came into the service before the 10th of November 1891, were to have the right of succeeding to the establishment as postmen, and about 18 months afterwards, about June 1893, all the telegraph messengers received again the right of entering into the establishment, so that, as a matter of fact, no telegraph messenger has been excluded from that right. It is perfectly true that for 18 months boys who came in as telegraph messengers were told that they would not succeed to the establishment unless they went into the Army, and to what extent that threat deteriorated the quality of the boys, I cannot say.

1455. But as a matter of fact, when the rule came in, it was not made retrospective, was it?—No; it has never been enforced; it has been only a threat.

Colonel *Murray.*

1456. Do you mean that the boys should enlist?—Yes, or that the boy could not otherwise succeed to the establishment; that has never been enforced at all. So far as telegraph boys are concerned, no alteration has ever been made, but only threatened. The chief alterations between 1892 and 1893 regulations have nothing whatever to do with the telegraph boy, except so far as that fear is concerned, but it has had to do with the men who come in as having been temporarily employed; the 1892 regulations excluded those men, and the 1893 regulations let them in again, and if those men were again excluded, there would be ample scope for the ex-soldier; but unless some arrangement is made by which the ex-soldiers get an actual fixed percentage of vacancies, or number of vacancies, I do not think he will have very much chance of getting much employment in the Post Office.

Colonel *Lockwood.*

1457. If these ex-soldiers remain without employment, they, of course, would naturally go to swell the ranks of what we call generally the unemployed, would they not?—Unless they could find employment elsewhere, certainly.

1458. Did the men act, as far as you know, satisfactorily, under the Post Office?—Yes; it was reported to me by the Postmaster at Bristol, and by the surveyor at Cheltenham, that, as a rule, they acted very satisfactorily; but I must say that I took exceptional trouble in only sending the very best men to the Post Office, and in consequence I have only heard of one man out of the whole number recommended by me who did not turn out satisfactorily.

1459. Has the action of the Post Office in diminishing the number of employments for ex-soldiers disappointed the men, do you think?—Very much, I have had letters from them.

1460. Expressing disappointment at the fewer number of vacancies?—Yes, that they did not get particular vacancies that they asked for. For instance, men wrote to me, from three places, from Stroud, Cirencester, and Tewkesbury. I had letters from excellent men living on the spot, stating that there were vacancies, and asking me to recommend them; I recommended them, but they did not get the vacancies; they were given to civilians; the men knew these civilians, and knew that they had no claim, or I will not say no claim, but claims owing to their having been temporarily employed.

1461. Do you think that the prospect of such employment induces enlistment?—Yes, in this way, it does away with the opposition of parents to enlistment. The difficulty we have to deal with in enlistment is this: we take the soldier at 18, and the terms we offer to him are quite satisfactory for the first three years of his service, but we take advantage of his youth and bind him for seven years; after three years he is dissatisfied because he does not get the advance that he would have got in civil life. No firm binds a lad of 18 for seven years. That is really the grievance, and the mothers and sisters object to young men enlisting, because at the end of the seven years they come back not having learnt any trade and not having any employment. Now I found that during the period those men were being placed in the country districts that that opposition was giving way. People saw that if a man behaved himself and came back again, he would get a postman's appointment, and the Army was no longer looked upon as a bad occupation, and the opposition was breaking down very much.

Colonel *Lockwood*—continued.

1462. Do you think that any jealousy exists amongst the civil population, or that it did exist from the fact that ex-soldiers were getting employment?—I think not the least, because the ex-soldiers get exactly the same pay; the ex-soldier declines to take less pay, because he is in receipt of reserve pay. I have put it to them; in fact, men have very often objected to take employment because the pay was bad. I put it to a man to whom 15*s.* a week was offered, that he had 3*s.* 6*d.* a week from the Government, and that would make 18*s.* 6*d.*, and that he might hope by degrees to get his wages raised, and so that he would then, when his 3*s.* 6*d.* a week came to an end, be as well off, but he said he did not care about that; he was worth as much as anybody else, and he would not take less.

1463. Then you have never found, have you, any indication of the civilian population being jealous?—No.

1464. Do you think the establishment of technical schools in garrison towns would assist soldiers to obtain employment when they returned to civil life?—I do not think so. I do not think the soldier would have time to attend, and I do not think he would attend, even if he had the chance.

1465. Not in the evening, as they used, to the regimental schools?—Do you mean a technical school in barracks?

1466. Yes?—I do not think so; you have workshops in most barracks, especially abroad, which would answer the same purposes.

1467. At all events, you do not see any great advantage, do you, from such a suggestion?—I do not think so.

1468. Do you find, as a rule, that the circular, the form of which you handed in, is fairly filled up, and that it is not recklessly filled up?—It is most carefully done.

1469. And that the description of the man's character in that circular is probably the exact description of the man?—Yes, I think so.

1470. It is evident that you are disappointed at the action of the Post Office in reducing the number of reservists. Do you think that any difficulty would arise in the Post Office in case of the reserves being called out; supposing these men were called up suddenly, do you think they would find any difficulty?—No; you see when a man goes to the reserve he only goes there for five years, and he remains in the Post Office afterwards; therefore, although you fill up these vacancies with reservists, they would not be reservists for very long. I do not anticipate any difficulty from that myself.

Captain *Bethell.*

1471. Do you not think it is extraordinarily difficult to get the real character of a soldier or a sailor from his ordinary certificate?—Very difficult.

Captain *Bethell*—continued.

1472. My experience in the Navy was that the parchment certificate was of very little value in getting at a man's real character. Is that your experience in the Army?—Yes.

1473. The means by which you can get the true character of a civilian is closed in the case of a soldier, that is to say, if you want a servant you can write to his former employer and he writes you a letter telling you all about it. You cannot get that in the case of a soldier, can you?—Yes, you can now, by applying to the commanding officers of the regimental district to which he belongs.

1474. Do you think that the information thus obtained is, I will not say reliable as far as it goes, because it is; but is it sufficient, do you think?—I think it is.

1475. Do you think it is a true reflection of the man's character?—I think so.

1476. One's experience makes one look with a good deal of scepticism on these things, because you may find a man's certificate exemplary for a great many years, but as soon as you begin to know him you find all sorts of deficiencies and faults, do you not, which quite exclude him from becoming a good man?—That form has been drawn up by the Inspector-General of Recruiting purposely to meet the difficulty which you have mentioned, and I personally think it has successfully met it.

1477. Do you think that the soldiers who are employed in civil employment compare fairly well in character with civilians?—I think so, but it is rather difficult for me to give reasons for my thinking so. If a soldier commits any fault while he is in the Army you have got it put down against him; you have not got any record with the civilian. If you take a reservist you get a seven years' character with him, but there are very few civilians who can produce a seven years' character.

1478. That is not quite the point. I ask this question because you largely assist in getting civil employment for soldiers, and I take it that you by one means or another hear of the comparative estimation in which these men are held as compared to civilians. I should like, therefore, if you can say definitely whether in your judgment soldiers thus employed compare favourably or equally with civilians, if you can give an opinion?—My opinion is that they compare equally; I should not say that they were better or that they were worse, they are exactly the same class of men.

1479. Do you think that having been in the Army has a good effect on a man?—No doubt it has a good effect in one way. It has a good effect in this way: a man will do what he is told after he has been in the Army; he has learned a certain amount of discipline; he has learned to behave in a respectable way and in a respectful manner, and has improved in every way so far as that is concerned, but he has had so much done for him that he is not as full of resources as a civilian, and on that account I do not think, to start with, the soldier is better than the civilian, but I think that after the ex-soldier has been a short time in his employment and has become as resourceful as a civilian, he is better, because he has the habits of discipline inculcated in him, which the civilian has not got.

Chairman—continued.

1480. You have anticipated a question I was about to ask you, as to the sense of independence in soldiers and sailors. I daresay you have noticed that it is generally thought that soldiers and sailors are men of considerable resource because of their training, have you not?—I do not think it is so with soldiers; I do not know anything about sailors.

1481. Do you think that the employment of a man for so many years as a soldier or sailor prejudices his individuality and independence, and to that extent renders him less valuable as an employé in many ways?—For a short time.

1482. You think it is got over, do you?—Yes.

Colonel *Murray*.

1483. Will you say what becomes of that Army form on a man's transfer to the reserve; is it kept at the regimental district?—It is kept at the regimental district to which the man applies for employment. When a man applies for employment at the regimental district in which he resides, the officer commanding that regimental district writes to the officer commanding the regimental district of the regiment in which the man had served; he gets that form carefully filled up, he keeps it, and he gives a character according to that form.

1484. That form is made out by a different officer to the one who makes out his parchment certificate, is it not?—Yes; it depends on where the man is discharged. If the man is discharged at the depôt it is the same officer who makes out his parchment certificate, but not otherwise.

1485. Then this form and the certificate tally in character, do they not?—They always tally, but this form gives more detail, it includes what is on the parchment certificate, but gives a good deal more besides.

1486. It has occasionally happened that complaints have been made of ex-soldiers who have good characters on their parchment certificates, turning out badly in civil employment; what do you say as to that?—That is so.

1487. If a man behaves badly in civil employment, as occasionally happens, is his certificate marked afterwards, or if he has begun with a good character does it go on?—His certificate is not marked, but on that form you will see there is a place in which it would be marked; for instance, it is ordered by the Inspector General of Recruiting that if a man has been away for more than a year from the service, we are not, as a rule, to recommend him; we are only to deal with the men in the first year after they leave the service; but if we do recommend a man a year after he has left the service, we are to inquire into his character since he has left the service, and I never, myself, recommend a man who has been away from the colours for more than a year without taking his references for the time since he has left the colours. But his parchment certificate is not marked. His parchment

Colonel *Murray*—continued.

ment certificate is simply a certificate as to how he behaved while serving with the colours.

1488. There is a question regarding education I should like to ask you. Are recruits better educated now, do you find, than formerly?—Yes.

1489. And more fit to take their place, in consequence, in civil life?—Certainly.

1490. Do you find that many recruits on joining know a trade?—Very few. They join at 18, and very few know a trade. Most men of 18 who know a trade stick to their trade, and do not join.

1491. And they have no opportunity afterwards at a Regimental District of learning any trade, have they?—No, not at a Regimental District, because there are only very few men there, such as old soldiers before they are discharged, and recruits; but with battalions they have workshops, and especially so abroad.

1492. What is the general tenour of the reports that you have received from employers as to the men provided by you with private employment?—On the whole, satisfactory; a certain number, of course, are not.

1493. Do you receive reports occasionally from employers regarding these men after they have left you?—I do not, unless I happen to know the employers, and ask them.

1494. And those you have received are, on the whole, satisfactory, I understand?—Yes.

Mr. *Brookfield.*

1495. You say that the whole crux of this question is the Post Office, I understand?—Yes.

1496. And that if half the Post Office vacancies could be given to reservists, you would be able to place all the applicants on your list?—Speaking for Gloucestershire, I should say that if I got half the total number in Gloucester, that is 100 a year, I should be able to deal pretty well with the whole number.

1497. What was the official act on the part of the Post Office which reduced the number of vacancies; was it the issue of a memorandum, or what?—It was a memorandum to their own employees, not to the Army.

1498. A departmental memorandum?—I do not know, I never saw it; I only saw the effect of it.

1499. Mr. Tombs, for instance, I understand, made a speech rejoicing that they were to have no more soldiers?—No; rejoicing that the telegraph messengers "would have their own again"; but he added that reservists would find less employment than latterly in the Post Office.

1500. Do you suppose that the Post Office still have a sort of beneficial interest in the reserve soldier; do they profess to try and find employment within bounds for him, or are they in avowed hostility, like this Mr. Tombs?—I would not like to say that he is in avowed hostility; he prefers the other men. I think the Post Office would rather not have ex-soldiers. It is really a question of patronage, I think, and they would like to keep it in their hands. If you remember, under the old system, Members of Parliament had the privilege of nominations when the Post Office could find nobody to put in. That patronage is

Mr. *Brookfield*—continued.

all that is given to the Army, to the regimental district commanders under the 1893 regulations.

1501. You are not referring, are you, to the appointments of sub-postmasters?—No; only to the appointments of postmen.

1502. Have you ever reported neglect on the part of the local Post Office officials to find employment?—There has never been any neglect on the part of local Post Office officials; they have always acted honourably and straightforwardly in accordance with their instructions from London.

1503. Then there is nothing to complain of; they are simply obeying the instructions from headquarters, is that so?—Quite so; I have nothing whatever to complain of. I think, in working out this system, which was contrary to their own views and their own wishes, they have behaved most loyally and done it thoroughly.

1504. Then would you sum it up by saying that you fix the responsibility on one man of the whole of this change which so adversely affects the reservists, and that it is attributable to the action of the present Postmaster General in issuing these instructions reversing the policy of his two predecessors?—I should not like to say exactly that. I should simply say it is owing to the change of the policy of the Post Office, but it is not for me to say whether it is the Postmaster General or the permanent officials who object to reservists.

Mr. *Wilson.*

1505. In answer to a question, you said that these men who were on the reserve list, and did not find places in the Post Office would go to swell the ranks of the unemployed, did you not?—Yes; my answer was if they did not find employment elsewhere.

1506. But would not the people who were kept out of the Post Office by the employment of ex-soldiers swell the ranks of the unemployed as well; suppose 10 ex-soldiers got into the Post Office and 10 civilians were kept out, would not those 10 civilians swell the ranks of the unemployed in proportion?—I agree with you; I think it is as broad as it is long.

1507. Each man who does not find employment in the Post Office, be he soldier or civilian, will swell the ranks of the unemployed, will be not?—Yes, unless he finds employment elsewhere.

1508. You said you had 600 reservists in Gloucestershire, did you not?—Yes.

1509. Can you tell me how many of those men are unemployed at present?—So far as I can make out, I should think not more than 10 per cent. are unemployed.

1510. That is that the percentage of reservists who are unemployed would not be larger, would it, than the general average of men unemployed?—I do not know what the general average is, but I do not quite agree with you in that. I think the reservist has great difficulty in getting employment because his training in the Army has not fitted him for employment as well as a man working in civil life. There is this also, that the reservist, in my opinion, has to put up with a lower class of employment for his age than he would have had to put up with if he had been working for seven years in civil life.

 1511. Taking

Mr. *Wilson*—continued.

1511. Taking a man who enlists to-day at 18 years of age, how long is he really out of employment as a civilian?—He comes back when he is 25, and I maintain that a reservist of 25 cannot get as well-paid a place in civil life as a civilian of the same calibre and class would get at the age of 25.

1512. Is it your idea that a man who has been a labourer up to 18 or 19 has forgotten how to handle a spade, or the implement he has been used to handle by the time he is 25?—I find it so. I find I cannot get men to mow, or anything of that kind.

1513. Has he never been put to anything while he has been a soldier?—Hardly anything except soldiering.

1514. Living a life, I will not say of laziness, but doing nothing. I do not mean anything offensive; I mean he has not been put to any trade apart from being a soldier?—He has been put to the trade chiefly of learning to be a soldier, and now-a-days, with the complicated weapons and the complicated systems of drill, a man is very fully occupied in learning the work of a soldier. The man is occupied, but he is not occupied in work that will be of use to him afterwards on going back to civil life.

1515. Would not the evil you fear be remedied by having technical schools for the soldiers to attend at nights, or putting them to trades in the way of employing them?—If you were able to do that it would, but it has been carefully considered; and the military authorities have stated that to employ men to any great extent in that way would militate against their learning their duties as soldiers.

1516. Have you ever considered what the effect of the exclusive employment of soldiers in the various Departments of the Civil Service might have on the general public, taking the young men who had qualified themselves for this office who are civilians and who look forward to filling an office if they qualify themselves and can pass through a competition successfully. Have you ever considered whether it would retard their self-education?—As far as I can make out there has been no proposal to put ex-soldiers into offices of that kind; the proposal has been to put them only into the very lowest grades of employment.

1517. I do not know what proposal may come out of this Committee, but I am rather putting it to you as a general question, and I ask you whether if the services of the various Government Departments were kept exclusively for soldiers, would not that hinder young men who now educate themselves impelled by this motive that they have a chance of getting into some of these services?—I think it would drive those men into the Army.

1518. Would that be a very desirable thing?—I think, from a military point of view, it would be very desirable.

1519. I gather that you are in favour of the old rule which was introduced by Mr. Raikes, that young men should not be promoted from telegraph messengers except they passed through the Army?—I have not said that I was in favour of that.

Mr. *Wilson*—continued.

1520. But I understood you to say that they would make good recruits, or that you would get recruits from that class, did you not?—I daresay we should, but I am not in favour of that; I am in favour of leaving Post Office employment open to the telegraph messengers, or a certain percentage of them, at any rate. The men I want to keep out are the men who come in because they have been temporarily employed; the adults, not the telegraph messengers.

1521. You said something about an errand boy in a large establishment or industrial concern falling out of employment just the same as the telegraph boy would if that rule operated?—A certain percentage would, as the errand boys grew up; there is no room to absorb them all in any works.

1522. If a young lad, as an errand boy, has maintained a good character and has rendered himself fit for a position of trust and employment, will his employer not transfer him to a higher position simply because he has shown that capability?—He will transfer him to a higher position if he has a vacancy, but I maintain that no firm has vacancies for the whole of their errand boys.

1523. Then why should there be a special exclusion in the Post Office of messengers?—I would not exclude them; I have not said I would; but what I would do would be this, I should like to take only a certain proportion. I do not think it is necessary that every telegraph messenger should go on, to become postmen, but say half or three-fourths of them.

1524. In relation to these men who are temporarily employed or who are assistants, would that temporary employment not qualify them for being placed in a higher position, and give them greater qualification than a soldier who is brought from the ranks?—I do not think so; I think that a postman's duties are such that they can be learnt in a very few weeks, so that I do not think it would save much trouble; it would save a little bit of trouble, but it is hardly worth considering.

1525. I see there was a question put to a witness who was here last week, that a soldier is not so well qualified as an ordinary civilian, and therefore would take a second place in the competition: that is, there is no special inducement for him to qualify himself for the office of postman?—I have had reports that they do very well as postmen.

1526. If these offices were open to retired soldiers would it be an inducement, do you think, for their relations to consent to their enlisting; is it your experience that the relations of young men are consulted before they enlist?—Yes, they are consulted before the men enlist almost invariably, I find, in Gloucestershire, and when they do not consult their parents, their parents come and interview me afterwards.

1527. Before a young man enlists in the ranks he consults his father, mother, and sisters, does he?—Yes, I find that he does.

1528. I thought that there was, generally, a great deal of grief in families when a son enlisted?—Yes, there is a great deal of grief, and they try and prevent them and successfully so. One of

Mr. *Wilson*—continued.

of my recruiting sergeants, for instance, will persuade a young man to agree to go into the Army, he is willing to go and he goes home afterwards, and as his mother and sister will not hear of it, so he does not come back to be attested.

1529. Speaking of the number of men who enlist generally, is it your experience that a large percentage of the men who enlist have the sanction of their relatives before they enlist, is that what you mean?—No, I do not mean that, because a good many of them do it contrary to the wishes of their parents. I mean that they consult their parents, and their parents know about it, not that their parents approve.

Chairman.

1530. They do not run away and enlist in the dark, do they?—Not the majority, some do; and their parents then come after them, as a rule.

Mr. *Brookfield.*

1531. Do you mean that they talk it over?—Yes, they talk it over, and the feeling is against their being allowed to enlist.

Mr. *Wilson.*

1532. You said you did not think there was much feeling in the public mind, speaking of workmen generally, against the soldier having the preference for these offices; has it been your experience to be much amongst the workmen of this country, to know what their feeling is in the matter?—Yes, to some extent in Lancashire.

1533. Have you talked it over with them and had an opportunity of knowing their feelings on this question?—As regards the postmen I have not.

1534. As regards the appointment of soldiers in any department, have you had any opportunity of ascertaining the views of the working-class community on this question?—No, I have not asked them especially.

1535. I thought in answer to a question you had said you had?—I think my answer was that no special indications of anything of the kind had come under my notice.

Captain *Grice-Hutchinson.*

1536. The Committee were told by a previous witness that it was obligatory on postmasters when a vacancy occurred to apply to a regimental district and inform them there was a vacancy; do you know if that is done in your district?—It is done in my district when there is no civilian available—qualified under Post Office rules.

1537. That was not what we were told. We were shown a form which each postmaster had to send in whenever any vacancy occurred?—I think he only sends in that form when he has not got someone else to put in. For instance, I know when there are vacancies at Bristol, rather than send that form to me they put telegraph messengers who are under 18 years of age on temporarily to do the duty; then if one of these messengers becomes 18 he gets the post.

1538. In fact, then, do you say they evade it?—No, I will not say that; I think they act with the knowledge of their own superiors in not sending the form to me.

Captain *Grice-Hutchinson*—continued.

1539. Still you say it is only done in case they cannot get anybody else; then they report to the officer commanding the district that there is a vacancy?—Yes.

1540. Not in all cases?—Not now; it was more so under the 1892 regulations, but it is not so under the 1893 regulations; they no longer report vacancies as a rule under the 1893 regulations. The proof is in the numbers I gave, that out of 99 vacancies they only reported 15.

1541. Do you know that the German system is, that after 12 years' service a billet is kept for the soldier by the Government?—Yes.

1542. Do you recommend any imitation of that system here; that is to say, assuming a man would enlist for 12 years on the understanding that he got a billet under Government at the end of that 12 years, do you think it would encourage a better class of recruits, and stimulate recruiting?—I think if a man thought he had a good chance of employment under Government after a certain service, say seven years, it would stimulate recruiting, and you would get a better class of recruit, and I think the time is coming when you will have to pay a very great deal higher amount of pay for your soldiers if you do not give them something of this kind to look forward to.

1543. My question was that if a man enlisted for 12 years, with a guarantee that he would be employed by the Government at the end of that time, do you think that would attract a better class of recruit, and would be a good thing?—I do not think it would be a good thing for the country, because you would have no reserve if you enlist men for 12 years. I do not think it is advisable with our present system of short service to enlist a man for more than seven years.

1544. But, after all, a man is only 30 after 12 years' service, is he not?—But how are you going to get your reserve?

1545. Do you think employers object to employing an ex-soldier because he is liable to be called to the ranks?—I have had no indication that they do. One or two men have told me that they do, and when I have tried to find out whether it is true, I have not been able to find any confirmation of the statement.

1546. There is one point as to the recommendation for employment; are you aware that at times a reservist is given a recommendation from one of these depôts to carry about with him?—Yes, I have seen it done.

1547. That is a very bad system, is it not; I may say that I was applied to the other day by an old soldier who deceived me by one of these recommendations, and to my mind it sets the public against them to think that they can fly a kite of that sort, because no doubt he imposed on other people too; do not you think that that is is a system which ought to be put a stop to?—I did not know that it existed to any extent; it is not a recognised official system. I do not know what is done unofficially in individual districts in the way of trying to get work for the men.

Chairman.

1548. In answer to a question of the honourable Member for Durham, I think you said that the class of employment that you had to find for reservists was chiefly mechanical employment of some sort, that is to say it involved no intellectual work. Have you a sensible proportion amongst your candidates of men who are qualified for clerks?—I have men who are qualified for clerks, but not for higher situations in other branches, with the exception of the non-commissioned officers of the mounted branches who would be able to act as foremen of yards.

Chairman—continued.

1549. Have you been successful in getting those men situations?—Not as clerks; I have been very unsuccessful.

1550. Are the clerks in your office engaged on this business ex-soldiers?—I have only got one clerk; he is serving as a non-commissioned officer, and he gets a little extra pay for this duty out of the subscriptions of the association.

Mr. JOHN BULL, called in; and Examined.

Chairman.

1551. I THINK you were formerly in the Royal Engineers, were you not?—Yes.

1552. And I think you gave evidence before the Select Committee of 1876?—I did.

1553. You have, I think, given considerable attention to this question of the employment of ex-soldiers?—Some little attention.

1554. From what particular point of view have you regarded the matter?—As regards men who have served in the Army for 21 years, there are many men employed in the War Office, for instance, and who, I think, could on discharge from the Army be continued in the War Office as clerks in the second division. Their training and experience whilst serving as non-commissioned officers in the Army would be of great value if they were transferred to the second division.

1555. What becomes of them now on getting a pension?—I hardly know what becomes of them. There was evidence given on a previous occasion that warrant officers and others applied and were offered inferior appointments, but that might be obviated to a great extent if, when they are entitled to a pension, they were transferred to the second division in the War Office.

1556. Are you satisfied that the number of vacancies in the second division would be sufficient to absorb them all as they obtained pensions?—I would assign a proportion of the vacancies in the second division to them.

1557. Those would be men of, perhaps, 40 years of age, would they not?—From 40 to 45.

1558. At present, I understand, a man goes into the War Office as a non-commissioned officer-clerk, while he is borne on the effective strength of the regiment?—Quite so.

1559. And on the completion of his 21 years, during which time he is employed attending to clerical duties mainly, he is pensioned?—Yes.

1560. He is not retained any longer, is he?—No.

1561. And I understand you would be for retaining them as long as they are effective?—I would retain his services by transferring him as a pensioner to the second division; he would become, in fact, a civilian, and then be appointed a clerk in the second division of the Civil Service.

Chairman—continued.

1562. But would the same end be effectively attained if, instead of transferring him to the second division, you were to have a certain number of appointments, which might be held either by second division clerks or by pensioned soldiers on appropriate rates of pay, which is the same thing in another way? How would that answer the purpose?—The military in the War Office are principally employed in the military department of the War Office, and of course their technical knowledge is of some benefit; but when a man comes to be discharged, or is about to be discharged, he begins to get a little bit anxious as to what his future is to be, and I think were a proportion of the second division clerkships assigned to the military men it would be a great benefit to the men themselves, and also to the State.

1563. What are the qualifications of a second division clerk?—Arithmetic and composition, but I cannot speak exactly of all the qualifications.

1564. Would you be in favour of passing them on without a test, simply on the strength of their established character and intelligence, or would you require them to pass an examination?—A soldier who is a superintending clerk in the War Office has the conduct of a branch, and I think if he has carried out those duties to the satisfaction of his superior, it ought to be regarded as sufficient in itself to employ him as a second division clerk.

1565. Then I understand you would have him employed as a second division clerk in all branches of the office?—Yes.

1566. Second division clerks, I believe, do not rise to first division clerks, do they?—I think they may be promoted after a certain number of years.

1567. Do you consider that this class of person you are referring to would be qualified for promotion?—According to the Civil Service regulations, a soldier transferred to the second division, of course, would be compulsorily retired at 65, so that he would have reached that age before the time came for promotion.

Mr. GEORGE EDWARD YORKE GLEADOWE, C.M.G., called in; and Examined.

Chairman.

1568. I THINK you hold a high position at the Treasury, do you not?—I am a first class clerk in the Treasury.

1569. And you are a Companion of the Order of St. Michael and St. George, are you not?—I am.

1570. Have you been concerned with the branch of the office which deals with this question of organisation?—I am at the present moment engaged in that branch; I have only been very recently transferred there. Questions of organisation really occur in almost every branch, and the particular branch I am now in is the one which deals with the Army and Navy, and one or two other offices, and it is on that account, as this question concerns mainly the Army and Navy, that I have been sent here to represent the Treasury.

1571. In consequence of the Report of a Select Committee of 1877, the Treasury, I believe, issued a minute, or rather the Treasury appointed a Departmental Committee in 1882, to consider what action should be taken on the recommendation of that Committee; is that so?—That is so. Of course events had marched on a little in the meantime. The Admiralty and the War Office had themselves taken action on the Report of the Committee of 1877, with the concurrence of the Treasury, and in 1879 the War Office had adopted a system of employment of pensioners as messengers. That system succeeded there, and the Admiralty two years later adopted the same system. In both cases the Treasury necessarily were consulted, and they acquiesced in the experiment being tried. It was, of course, an experiment at the time.

1572. Then do I gather that no appreciable action was taken in the matter for some years; is that so?—As regards the War Office and Admiralty, a very decided action was taken. They adopted the system of pensioner messengers, which was all that was proposed.

1573. What did the other departments of the Government do?—In the other departments no action was taken up to the inquiry, which took place in 1882. The Treasury thought, and probably not unreasonably thought, it was as well that some trial should be made of the experiment, to see how the Admiralty and War Office did with their own men before suggesting that other departments should follow their example. The experiment was found successful, and so soon as it had been adopted in the Admiralty, the Treasury thought that the matter might be further considered to see how far it would be possible to extend it to other departments which have not got quite the same control over the pensioners as the Army and Navy would have.

1574. That is what led to the action of 1883, was it not?—Yes.

1575. But I rather understand that until 1891 no particular action was taken to apply that War Office system to the other departments of the Government?—No.

Chairman—continued.

1576. But a Departmental Committee was appointed in 1893, I believe?—In 1891 it was appointed; it reported in 1893.

1577. Can you hand in that Report?—Yes. I will hand it in, and also several other documents with regard to this matter. (*The documents were handed in.*)

1578. They made certain suggestions for the employment of old soldiers as house messengers, attendants, and so on, in all the public departments, did they not?—Yes, practically in all; to some, on account of their peculiar conditions of work, they did not propose to apply it, but practically it was to all.

1579. On the 1st of March of this year the Treasury, I believe, issued a circular to the departments forwarding a copy of a Minute of the Treasury Committee?—Yes; a Minute was drawn up on the 17th of February 1894, adopting the Report so far as porters, firelighters, and one or two subordinate officers of that kind were concerned, and by a circular of the 1st of March 1894, which I have handed in, they recommended that a similar course should be followed by the other departments. I may, perhaps, explain that the Treasury have, practically, no control over the other departments, except a certain number which are subordinate to them, to enforce a thing of this kind. It can only be done by an Order in Council, to which, of course, the consent of the Cabinet is necessary; but, as far as we could, we recommend that other departments should do what we were doing.

1580. But practically a matter of this sort, a sort of organic reform or change, the Treasury must give the first impetus to, must it not?—Yes; and we hope it will be followed.

1581. It would not be an absolute command, but it is an injunction which is practically respected, I suppose?—That is so, or we hope so, at all events.

1582. No doubt you are aware that the question we are dealing with has developed into a very much larger phase since 1876, and that whereas at that time they were principally considering the old soldier as a man who was qualified for a messenger, we are now considering, as the whole Army is under the short-service system, and the number of men returning to civil life is very much larger than before, numbers amounting to about 16,000 or 17,000 a year. Consequently to deal with that number, the number of appointments which are available to the Government in the way of messengers and so on, form an almost inappreciable element in finding employment for these men, does it not?—No doubt.

1583. But still the very fact that Government patronises that class, in the sense of giving them all the appointments it can, may be a very useful stimulus to recruiting, may it not?—I should think it very possible, or at all events we hope so.

1583*. Then again the matter presented itself to some of the Committee in two ways. First,

Chairman—continued.

with all the new demands coming upon soldiers in the shape of competition and so on, the tendency is to make the soldier a much greater charge on the State than he used to be, and anything in the way of an indirect advantage to his position would be distinctly in the interest of the taxpayer, as tending to prevent the necessity for an increase of pay?—Yes.

1584. And therefore that that is a matter well worthy of more than the consideration of the Treasury, and well worthy of their active support, is it not?—The Treasury is no doubt very interested in getting the Army as cheaply as possible.

1585. Then probably it would make a very considerable effort, would it not, to carry out any suggestions leading to that result?—Of course there are always pros and cons, and there may be considerations to be weighed on either side. No doubt the main thing, in a case like this, is the waiving of patronage.

1586. There are very considerable financial questions involved, are there not?—Yes; subject, of course, always to the correction which you put just now, what are these amongst so many. All we can do in that particular direction is but little. Of course we can look favourably on any other scheme which might reduce the cost.

1587. There is also this consideration, is there not, that the State taking these men away from the public service just at the time they are about to enter the labour market, and keeping them in foreign countries for many years, and then returning them irrespective of season, are rather under an obligation in consequence to do what they can to help them to adjust themselves to their new circumstances?—I can quite understand that that might be argued.

1588. I do not put it further than that that view may be taken. In such a matter the first impetus for the Government to act as a Government must come from the Treasury, must it not?—I think that is what is usually expected outside the two Services themselves, which of course may be said to have the primary obligation.

1589. Will you tell the Committee in a few words what is the substance of the Treasury Minute of last March?—The Minute of the 17th of February which I have mentioned was followed a month later by a second Minute, dealing more directly with the question of messengers. The first, as I have said, applied to porters and fire-lighters. The second Minute, like the other, adopted the Report experimentally as far as messengers were concerned, with some limitations. The Treasury said they proposed to appoint a certain number, at all events, of these people, just to see how they did, and they recommended the other Departments to do the same. They would apply this thing not to their own Department only, but to the Customs, and other offices which are subordinate to the Treasury.

1590. I see my Lords say here that they will follow the example of the Admiralty and War Office so far as temporary messengers are concerned, and that the employment of Army and Navy pensioners as temporary messengers in public departments may properly be extended. Then they go on to say that they will, in deference to the expression of the opinion of the Committee, appoint, by way of experiment, a certain number of military and naval pensioners to act as temporary messengers in their own office, and in departments subordinate to them. They do not, however, intend to lay down that temporary messengers for the Services are to be drawn from this class of labour alone?—That is so.

Chairman—continued.

1591. They do not specify what proportion they intend to appoint from the Army and Navy; do you know if that has been fixed?—As far as I am aware, it has not been yet fixed. The whole thing is tentative. Of course we have a whole staff of messengers at the present moment, and it can only be done as they die out.

1592. That does not affect the point that only a certain proportion of the vacancies are to be filled in this way, does it? A certain proportion is to be filled by pensioners, but that is left vague, is it not?—Yes; I think it would probably depend on how far they were found equal to all the work. Of course, messengers have no doubt to fetch and carry, but there are a good many other things to be done besides, and in some cases, at all events, they have to perform certain ceremonial duties.

1593. Then may I understand the Treasury do not commit themselves to any definite proportion?—They do not.

1594. Are you able to say at all what their idea was; was it a fourth, or a fifth, or a half, or what?—I think the idea rather was that they would reserve particularly the posts of messengers who waited on the First Lord and the very highest officers. Those, probably would be places which would be better filled by a different stamp of men; but I think the intention was to make it the practice, rather than the exception, to appoint messengers from pensioners, so long as there was a supply of the right sort of men coming forward, but if proper men could not be got in this way, they reserved full power to appoint other people.

1595. This Minute deals with temporary messengers only, does it not?—"Temporary" is a misleading word; that means they are not to be established messengers; an established messenger earns a pension, and a temporary messenger does not. The word is a word which has a technical meaning; it means they do not earn a pension.

1596. It is a new class of messenger, in fact?—It is new so far as the Treasury is concerned; but they have had them at the Admiralty for some years.

1597. There are permanent messengers, I understand?—At present they are all permanent messengers.

1598. Are they going to be gradually extinguished?—Yes, in favour of the pensioner messengers.

1599. The employment of messengers is simply touching the mere skirt of the subject. A Return has been presented to Parliament by the Treasury in August 1893, showing the number of appointments of clerks, or park or lodgekeepers to the Office of Works, Office of Woods and Forests, and so on, who prior to appointment had served in the Army, Navy, and Royal

Chairman—continued.

Royal Marines in accordance with the recommendation of the Select Committee of 1877. This gives, first of all, the number of messengers, &c., and men of that class appointed, and it shows that out of 945 appointments, 324 were old soldiers. Are you acquainted with this Return?—No, I am afraid not.

1600. As regard the number of clerks, it shows that out of 6,900 appointed in the year, 93 are appointed from the Army, Navy, or Marines?—The Return does not appear to relate to people who were appointed because they were in the Army, but simply because they happened through other channels to have been given appointments. Of course they give them a very wide extension of age to allow them to come in.

1601. That would rather indicate, would it not, that in all these matters of organisation of these departments, really the Treasury is the regulating Department of the whole?—Except, of course, you come to touch another Minister's patronage, and then you find the power of the Treasury very limited.

1602. What about the Customs?—Of course, some of the very largest departments are under our control much more distinctly than others are; the Customs, Post Office, and Inland Revenue, are three such very large departments.

1603. By very far the largest number of appointments is to the Post Office, is it not? Out of 6,900 in the Return, 6,550 are Post Office appointments?—I think that is extremely probable.

1604. We have had a great deal of evidence from the Post Office with regard to the policy they have adopted?—May I ask whom you had here as a witness?

1605. We have had Mr. Joyce from the Post Office, and he gave evidence as to the changes of policy which have occurred in regard to the Post Office appointments. The Committee would like to know about the changes in policy; first of all, with regard to the regulation as to the telegraph boys, and then the rescission of the regulation. They would like to know whether in all these cases the Post Office was acting independently or under the control or guidance of the Treasury?—I happened at one step in the matter to be in that branch of the Treasury which deals with that subject, so I happen to know. Certainly, Mr. Raikes' proposal to pass all the telegraph boys through the Army was distinctly submitted to the Treasury, and approved by them. A certain amount of doubt was expressed as to whether they would like it, but it was thought worth trying.

1606. Then the proposal of the late Postmaster General to rescind that regulation, has also been before the Treasury, has it not?—No doubt it is so, but I do not know.

1607. Is it not necessary that any such organic change must be approved by the Treasury?—Yes, if it involves additional expenditure, and the Revenue Departments in particular are under somewhat closer control; there, even if there is no additional expenditure involved, we should expect to hear about it, because the Chancellor of the Exchequer, or the Financial Secretary to the Treasury, has very often to answer questions in the House on matters relating to these departments. The Postmaster General, no doubt, is in the House, but the heads of Customs and Inland Revenue are not there at all, and those Departments are only represented in the House by the Treasury.

Chairman—continued.

1608. The Customs, next to the Post Office, appear to be the largest employers of labour of the kind that does not require a high education. Who frames the regulations under which that class are?—Mr. Goschen practically reorganised the Customs about five years ago. He went very thoroughly into the matter. The outdoor service had at that time got into various troubles; there was a great out-cry about the stoppage of promotion then; they had got a lot of worthy men, but they could not put them to a better class of work. The whole matter was gone into very thoroughly by Mr. Goschen himself.

1609. May we take it that the present regulations were framed by the late Treasury Board?—It was really done by personal inquiry on the part of the then Chancellor of the Exchequer.

1610. I suppose in framing those new regulations these particular questions as to whether an opening could be found in this way for old soldiers did not come under consideration at all?—I am not aware that it did; I have no recollection of it. It might have been referred to in the Minute, but I think practically the places the Committee of 1877 suggested that pensioners might be suitable for were boatmen. I will not be sure there may not be some mention about that in the case, but I have no personal knowledge of it, and I am only really speaking from memory.

1611. Supposing that this Committee or the House make a recommendation in favour of the employment of soldiers and sailors to the extent to which they are fit in the Customs Department, with whom would it rest to take the necessary initiative for carrying that recommendation out? With the Customs or with the Treasury?—The Treasury would probably call the attention of the Customs to the Report and ask if they had any proposal to make or any comments upon the proposal generally.

1612. They would, in fact, submit the proposal to the Treasury, would they?—Yes.

1613. And the responsibility to Parliament would rest, not with the Customs, but with the Treasury?—Quite so.

1614. Are you able to say what class of employment could be given in that way in the Customs?—There is the difficulty that one has not the actual working knowledge of the Department; but I should certainly say probably the Committee of 1877 were right in thinking that the positions of boatmen, who are a considerable number, would be posts well suited for ex-sailors. When once you get beyond the lower positions you come to an educational standard, and you have great pressure from various people saying it is not fair to the working man to favour the soldier and sailor, and you have to think about that point as well as the other. Consequently, if it is only a question of nomination, you can make your regulations and say this matter is of such importance that you propose to adopt it as far as you can; but where you get to anything where open competition comes in, or a matter of competitive examination of any kind, like clerkships or outdoor officers of the Customs, you find it much

Chairman—continued.

much more difficult; you can hardly realise how hard it is to go very far from the principle of open competition. That is where you get the difficulty; directly you get to a place which is not filled by nomination, the shrine of open competition is so guarded by Orders in Council and so forth, that it that it is next to impossible, without very herculean machinery, to interfere with it; and as soon as ever you begin to interfere with it, of course it is not merely the friends of the soldier and sailor who think it ought to be interfered with, but the policeman, and so forth, think they ought to have a turn, too.

1615. Of course, where an Order in Council has established anything, you require an Order in Council to alter it, do you not?—You do.

1616. Therefore a measure of that kind would require an Order in Council in the way of alteration?—Certainly.

1617. To what point is the competitive system carried downwards in the Customs? Are the gaugers subject to competition?—Yes; I am tolerably certain that the only persons who are not appointed by competition in the Customs are the boatmen, and I cannot tell whether the Return would show how many of the Customs boatmen have been employed in the Army or Navy. If you had the figures you would probably find that a good many were Navy pensioners.

1618. I gather that whereas in former days any reform had to encounter the opposition of those who were interested in patronage, there is now a very much stronger form of opposition likely to arise on the part of the body politic who are interested in the competition?—That is so, no doubt; but you may say the battle with nomination has to a great extent been fought and won by open competition. Open competition at present holds the field; and I should think most people would agree that on the whole there are very few alternative systems which commend themselves at all events to general adoption.

1619. But if you have a body of 17,000 or 18,000 men who are all more or less educated, would it not occur to you as possible to have a system amongst them of competition also, which would insure that none should be taken from that body who are not thoroughly qualified?—No doubt you could pick the best men, but at the same time, it is not the best men who are difficult to deal with; as a rule, they do not fall into the unemployed ranks; it is the other proportion who are the submerged tenth, and I am afraid we could not hold out any serious prospect of employment to the submerged tenth at the other end. We should take the best people, and I am afraid those are just the people it is easy to find employment for otherwise.

1620. A soldier would be severely handicapped in an open competition with younger men, would he not, having been away from school for some years; but you might have competition within the Army, we will suppose, under which only the best men would be chosen? No doubt you could pick out the best men in the Army.

1621. You have had great experience of these questions; would it be practicable, do you think, that a certain proportion of these appointments should be filled from one class

Chairman—continued.

and a certain portion from the public, without giving up the principle of competition in either case?—I may say that this is a proposal which comes before the Treasury almost every day. The copyists seem to think they ought to compete amongst themselves for the lower division clerkships; there is something to be said in favour of that. Then the abstractors also think it is their turn. Then the sons of people who are already in the Service and the sons of people who have been in the Service, want their turn, and the universities think they ought to have a limited competition. As soon as you begin to introduce that, any proportion must be arbitrary, and it is very difficult to fix any proportion which is really better than any other proportion, or can be justified as a departure except merely on arbitrary grounds.

1622. Does it not occur to you at first sight almost, that the position of the Army stands rather in a different category to that of the junior clerks or abstractors, whose only claim is that they have obtained some benefit from the employment that they have had?—Quite so; but these men you see have been employed for a good many years; they have been employed in copying, which involves knowing the forms of things, and I think probably they would be less fitted for any ordinary work in life than the old soldiers and sailors.

1623. Still they are there employed, are they not?—No doubt they are employed.

1624. And moreover no great question of State policy would be involved in offering rewards in that particular class in the form of promotion to a higher rank, would it? The country is perfectly well served by them now, is it not, and no catastrophe or great public expenditure would be involved by taking them as they are in that case?—Of course, the real difficulty is outside pressure. If there were no outside pressure it would be easy enough to deal with the matter.

1625. If any considerable movement is to be made in this direction, may I understand that the impulse must come from the Treasury?—The Treasury, you may say, is the co-ordinating body; anything affecting the services generally does, as a rule, emanate from the Treasury; and it is the only office really in a position to frame rules for the government of the services generally, of course taking the necessary steps to have them enforced by Order of Council, Act of Parliament, or whatever it may be.

1626. Have you any instances of an Order in Council being issued over the heads of the Treasury?—I think, by Act of Parliament, it must go through the Treasury, but I am not certain about it; at all events, it always does.

1627. I gather that the War Office and the Admiralty are to a certain extent more independent of the Treasury than other departments?—To a certain extent they are.

1628. The Committee have found in one instance that whereas the Treasury had laid down a Minute that all appointments of temporary messengers were to be made through the Civil Service Commissioners, as a matter of fact, the War Office established their own system of obtaining temporary messengers?—That rather illustrates the point I mentioned, that where no additional

Chairman—continued.

additional expenditure is involved we do not interfere so much with their discretion, but where there is a question of expenditure we have a *locus standi* which we have not otherwise got, and which we do not otherwise particularly seek.

1629. I think the Committee may gather this, may it not, that while some small action has been taken in the direction of the recommendation of 1877 to the extent of promising sometime hereafter that experiments will be tried of a certain proportion of messengers being appointed from the Army as regards all the larger fields of employment, higher and lower, at present nothing has been done?—At present nothing has been done. You must remember one thing further, it is not as if you were dealing with a service in itself unsatisfactory. You cannot say that the present way of doing these things is a failure; they do very well indeed; no change is likely to be an improvement, and it may be worse.

1630. The change, if made at all, would be made as a matter of policy, would it?—Entirely.

1631. And the question of economy, assuming that case to be proved?—No doubt it would lead to economy on that assumption.

Colonel *Murray.*

1632. In the Report of 1877 there is one paragraph which says, "Permanent messengers are for the most part nominated by Ministers or heads of the great departments. For these departments soldiers and sailors appear specially suited, and in the opinion of your Committee all future selection of messengers should be exclsively made from persons who have served." Can you tell me if there is any competition for permanent messengerships?—There is no competition; they have to pass a qualifying examination, but it is a nomination, pure and simple.

1633. I think you said you had not seen the Return which was prepared for the House of Commons on the 3rd August 1893?—No, I am afraid I have not; of course, you must realise the fact that my not having seen it, makes me a rather bad witness on it.

1634. Quite so. The Return shows the number of clerks or permanent messengers appointed under the Government, and in that Return there are a few large employers of messengers, I suppose, permanantly. The British Museum appointed, during the six years from 1st September 1887 to the date of this Return in 1893, 30 messengers. Of those 30 messengers none have been connected with the Army, Navy, or Royal Marines?—That is true, but I think I ought to say also, that the Treasury Committee which has just been reporting, and the Minute of which has just been issued, says this, "Of the attendants at the British Museum a very large proportion both at Bloomsbury and at the Natural History Museum are employed in duties of a more or less technical character, varying with the work of the several departments in which they are engaged. They assist in arranging, mounting, cleaning and repairing the collections; in finding objects for students; in keeping up registers; and in discharging various duties of a minor kind. In the libraries and reading rooms a large number of men are employed in searching the catalogues, and in finding and delivering with despatch, and afterwards in replacing, the books asked for by readers. Such duties require a certain amount of special training, which would be lacking in men who came to the work late in life. The duty of warding the galleries, which formerly devolved upon the attendants, is being gradually transferred to police constables and commissionaires."

Colonel *Murray*—continued.

1635. What would be considered late in life?—There again, I ought to know exactly what are the limits of age; as a rule a soldier passing to the Reserve would be 25, or thereabouts.

1636. Then the Inland Revenue have appointed 48 messengers during those six years, one of whom was connected with the Army, Navy or Marines; the Metropolitan Police Courts appointed 23; of those, one had served?—Quite so.

1637. That makes a total of 101 appointments in three departments, and only two of those 101 had served in the Army, Navy, or Royal Marines. If to those numbers are added the Science and Art Department, which appointed 99 messengers during those six years, of whom 14 had served in the Army, Navy, and Marine forces, I find in those four departments that 191 appointments were made during six years, 16 only of which were given to men who had served in the services?—I must say I am rather surprised to see from the figures as to the case of the Science and Art Department, that so many had served in the Army or Navy, because there the duties are very much like those at the British Museum; they are somewhat of a technical character; that is to say, the sort of work a man would naturally go to at 18. It is not that a man is old at 25, but he has not the same facility for learning.

1638. A messenger, then, does not actually mean a man who carries messages?—Not in this case; the "et cetera" has a very important meaning in most of these cases. In the Science and Art Department these people are paid so much an hour, according to the amount of work they can do. There is labelling, which is delicate work, and it is more the work of a packer than a messenger; "messenger" is a misleading phrase.

1639. There is a note on this Return: "In those offices marked with an asterisk special indulgence is given as regards age to former soldiers and sailors." All these I have mentioned are marked with an asterisk, and perhaps you can tell me what special indulgence is given?—As a rule, the special indulgence is this: that whereas if a civilian goes in, his age must be limited, say, between 18 and 22, a man who has served in the Army or Navy may deduct from his actual age any number of years he has so served.

1640. But that would bring the reservist down to the age of the man who comes in from civil life, would it not?—Exactly.

1641. Yet he does not appear to have had that indulgence given him?—Yes; indeed he has, in every

Colonel *Murray*—continued.

every one of these cases, but probably with that advantage they still do not get in.

Captain *Bethell.*

1642. They cannot compete, do you mean?—Yes.

Colonel *Murray.*

1643. But I understood the competition was only qualification; I am speaking entirely of the messengers on that page?—But the note applies to both. Really if the man is an Army or Navy pensioner, or a man who has served towards a pension, which, I think, is the phrase, he is allowed a privilege. An ordinary man who would not be taken after 35 years of age, would be taken, if a soldierof five years' service, at 40.

1644. It is not necessary that he should have a pension, or served towards a pension, is it?—I think "served towards a pension" is the phrase, but I believe that does not mean that he should actually have earned a pension.

1645. I should like to know, because these men seem to be of the proper age, according to the note, for special indulgences, and yet so few have obtained appointments in these particular offices, and I do not quite see where the special

Colonel *Murray*—continued.

indulgences comes in if there are only two appointed out of the Army or Navy from 100 appointments in six years?—The indulgence is entirely as regards age; there is no other indulgence.

1646. Regarding the Customs boatmen, it says in the note that they are to some extent drawn from the class of discharged marines and sailors. Have you any numbers you can give the Committee with regard to those appointments?—No. I am afraid I could not tell you that, There again I need hardly say that the present Customs boatmen are nominated by the Patronage Secretary on the recommendation as a rule of Members of Parliament.

1647. Under the head of "Post Office" the note says, "Not including letter carriers, of whom a considerable and increasing number is annually drawn from the class of discharged soldiers;" have you any numbers as to that. The appointment of letter carriers is rather an appointment which the soldier will take, and the note says "a considerable and increasing number is annually drawn from the class of discharged soldiers and sailors"?—I think perhaps that would be a question to be asked of the Post Office officials.

Major CRUTCHLEY, called in; and Examined.

Chairman.

1648. I BELIEVE you belong to the Scots Guards?—Yes.

1649. What is your official capacity?—I am Deputy Assistant Adjutant General for Recruiting in the War Office, under General Feilding.

1650. The Committee had some very interesting evidence from General Feilding himself; are there any points on which you desire to supplement that evidence; I believe you have been concerned principally in the regulations between the War Office and the different railway companies with regard to obtaining employment for soldiers?—Yes.

1651. I believe you are cognisant of a conference which was held at the War Office in May 1892?—Yes.

1652. Where the prominent officials of the office met several representatives of railway companies?—Yes; in fact, the biggest railway companies.

1653. And the railway companies appear to have expressed themselves as being very favourable to the employment of soldiers, and anxious to do their best in a public-spirited way to promote their employment?—Yes.

1654. Will you kindly tell the Committee what came out of that conference?—The railway companies were asked at that conference if each company would allot a certain proportion of appointments a year; they all said it was very difficult to do that, but they would consult together, and see what they could do. In later correspondence Sir Henry Oakley said, as a matter of fact, they thought among them all, that they

Chairman—continued.

could take 2,000 men a year for employment as porters and labourers, and in fact employment of all kinds. Then we sent to the railway companies and got from them their rates of wages and the appointments that were open, and their standards for those appointments; we embodied all that in the pamphlets of instructions for civil employment, with the regulations issued with it.

1655. Can you hand in the correspondence which took place upon the subject?—It was more or less all done by circular letters. I have copies of those which went out to the railway companies.

1656. Was the general outcome of the conference that the railway companies would take about 2,000 men a year?—Yes.

1657. Can you say how far those expectations have been realised?—Of that we have no knowledge. We could get from the Regimental District Associations the number of men who have been accepted by the railway companies, but in our returns they are all lumped under the head of civil employment, and we have no specific details.

1658. Then the point has not been followed up at all specifically, has it?—It varies enormously in different districts. I have the report of the Association at Hull now, and the Committee pointedly remark that they wish to draw attention to the lack of support they have had from the railway companies. They say: "The Committee desire to bring to notice the very small amount of support this branch of the Association has

Chairman—continued.

has received from the railway companies in the way of giving employment to reserve men. (signed) *Herries*, Chairman of the General Committee." That came in yesterday. The Great Western Company, in answer to correspondence, said that they were prepared to give one vacancy in every five, but that was the only company that gave us a definite promise of the kind.

1659. When the railway companies guaranteed 2,000 appointments a year, did the different companies underwrite, as it were, that number?—That I do not know, but in order that there should be no mistake about it, and in order not to throw any obstacle in the way, we sent to each railway company a sketch map of the county they ran through, with the offices of the different employment associations all marked, so that they could see where to apply, and you will see in this pamphlet that the officers commanding who work these associations are told to send them every two months lists of likely men for employment. You will see by these standards in the pamphlet, that the standards are very high for a great number of the railways, in fact, on some of the Irish railways the standard is as high as 5 ft. 9 in., which, of course, limits the number of men who can take the situations.

1660. Supposing from a return you found that less than 2,000 men were employed by the railway companies, you could not come down on any particular railway and say, "You have not contributed your proper *quota*," could you?—No.

1661. It was merely a general expression of intention, was it?—Yes, but some of them employ a good many. The Midland usually write to us. I suppose I sign one character certificate pretty nearly every day to the Midland. They for some reason always apply straight to us.

1662. Sir Henry Oakley appears to have taken a great personal interest in the matter, does he not?—Yes, he was practically the moving spirit amongst them all, but of course the railway companies pointed out that when porters and people had been in their employment all their lives their sons had also a claim on them, and that they took those as boy porters to start with and kept them on.

1663. Are there any points which you can suggest to the Committee as recommendations for giving more complete effect to this desire?—It is rather an awkward thing, because if you ask the railway companies to give you a return of the number of vacancies they have got it involves a great deal of clerical labour on their part, and one must be diffident about how much work you ask them voluntarily to undertake.

1664. Did you take any steps for bringing the railway companies at a distance from London into free communication with local regimental centres?—They know where to apply, and they get lists every two months from the association.

1665. Then, as far as procedure is concerned, you think, I understand, that there is not very much room for improvement?—I think not.

1666. It is only within the last two years, practically, is it not, that any active movement of this kind has taken place?—With the railway companies, certainly. There was no system of putting the railway companies in touch with the association until after this conference.

Chairman—continued.

Mr. *Woodall.*

1667. You stated that the standard of height required by the railway companies is generally inconveniently high?—Yes.

1668. As a matter of fact, the Midland Company appears to have laid down a lower standard than most of the other companies, does it not?—Yes, that is so.

1669. The Midland Company's standard is 5 ft. 4 in., is it not?—Yes; there are one or two like that.

1670. Do you think the fact of that low standard accounts in any large degree for the larger number for whom employment has been found by the Midland Company, than the other companies who were parties to the compact?—I think so, to a certain extent. I looked out in the general annual return we have in the War Office what proportion of men under 5 ft. 7 in. were in the Army according to last year's book, and I found it came to 491 per 1,000.

1671. So that as far as that proportion goes it would be impossible for them to obtain employment under the Great Eastern, the Great Northern, the Lancashire and Yorkshire, the South Western, and the North Eastern Railway Companies?—Yes, and the Great North of Ireland, you see, does not take anyone under five feet nine, the Great Southern five feet eight, and so on.

1672. Has it ever been thought expedient to make any friendly expostulation with the companies with regard to that difficulty in the way of employment of otherwise suitable men?—I do not know whether if they found a particularly good man they would break through their own rules, but when we drew up this circular we wrote to them for the rules they enforced throughout the companies.

1673. I suppose the competition from the civil population for employment of that kind is very severe, is it not?—Yes, and a great many of the companies told us that they got a good many agricultural labourers who came on to the line and practically stayed their lives there.

1674. Possibly the railway companies may have seen it expedient to narrow the range of competition for these appointments by lifting the standard, may they not?—A porter's work is pretty hard work, and I suppose they want big men for it.

1675. And the same standard of requirements in force for the employment of soldiers is also applicable to the civilian population, is it not?—Yes.

1676. Are you able to give the Committee any kind of information as to how far the reservist has given satisfaction in the discharge of his duties under the railway companies?—No, we do not get any complaints addressed to us; practically the Post Office are the only people who write and tell us when the men are unsatisfactory.

1677. It appears from the Report of the National Association for last year that employ-

Mr. *Woodall*—continued.

ment was found for 421 men as railway porters. Do you suppose that those figures represent the whole number who did obtain employment?—That I do not know. That may mean regular employment. Colonel Schwabe, who was here this morning, told me that for temporary employment at Bristol they used to take casual men on whenever he sent them; those men you mention may be men who are regularly taken on.

1678. But I take it that these 421 men were employed through the agency of the society, and that in consequence of the applications made to the society by one or other of the railway companies?—Yes, but they may not necessarily have been, because of course some of the companies, if they got hold of a man with a good character certificate, would very likely not apply to the district that he belonged to but would take him direct.

1679. Then may the Committee take it that there is reason to suppose that a larger number of discharged soldiers than those represented in this table did actually find employment under the railway companies?—That I cannot say, because our returns lump them altogether under the head of civil employment.

1680. Supposing a man, a self-reliant reservist of good character, and perhaps well known in the locality, applied to a railway company for employment and they thought proper to give it to him, the fact of their so employing him is not reported, necessarily, to any authority, is it?—No, not unless he was registered, when, of course, he would be asked to report, if he did get a place.

1681. Do you think that if these men had as a class been guilty of misconduct you would have had any expostulations from the railway companies?—Yes, I think we should if they had been a failure as a whole, because we had a letter from the Great Western Company not long ago, refusing to take any man at all who had a single entry of drunkenness during his service.

1682. I see that at the interview to which you have referred, Sir Henry Oakley said that the men did not make good goods porters, and he pointed out the defect that if they met a few comrades they liquored up, and it was the universal rule to discharge a man who got drunk?—Yes, but General Feilding retorted that that could not refer to gunners in the Royal Artillery. Sir Henry Oakley said that practically the work of goods porters was too hard, but General Feilding said that could not apply to Artillery men because they were exactly the sort of people who did that class of work.

Mr. *Woodall*—continued.

1683. But I rather take it that Sir Henry Oakley's objection was not that they were not physically equal to their work, but that they had this fatal tendency to take to liquor when they met a comrade?—He did say that as well, but I think he also rather implied that the work was harder than they cared about, as goods porters.

1684. But, so far as you are aware, that tendency to good fellowship and to resort to liquor has not been found in practical experience to seriously prejudice the men in this employment, has it?—We have had no complaints from the railway companies, but the question, of course, is whether they would think it worth while to make them.

1685. So far as you know, you have not seen any falling off, have you, in the disposition of the railway companies to find employment for these men after the experience they have had of them?—We should not have had that because, you see, it is all decentralised from the War Office itself, and, therefore, the regimental districts would find that they could not place their men.

Captain *Grice-Hutchinson.*

1686. Do the railway companies take soldiers at a greater age than civilians?—The ages are all down in these schedules.

1687. Do they take many soldiers as clerks?—That I do not know.

1688. Would not that come within your cognizance?—No; you see the districts recommend all these men, and we get quarterly from the districts the number of men registered in those districts, the number of men who have been offered, and the number who have accepted employment. It is not specified into trades, but it is all classes under civil employment; the Post Office only is differentiated. We could not find out a particular class of employment without writing down to the district; it all comes to us as "civil employment" and "Post Office."

Chairman.

1689. Have you any information with you as to the number of men employed other than in the work of messengers in the War Office?—I have information as regards all the soldiers employed as clerks.

1690. Will you kindly hand it in?—Yes. I have also the number of pensioner-soldiers employed as messengers, and that kind of capacity, which I will also hand in. (*The documents were handed in.*)

Mr. MURRAY, C.B., called in; and Examined.

Chairman.

1691. I THINK you are connected, are you not, with the Customs Department?—Yes, I am Chairman of the Board at present.

1692. The question which you are aware this Committee is engaged upon is how far suitable employment can be extended to discharged soldiers and sailors. We understand that the two

Chairman—continued.

Government Departments which are the largest employers of what may be called unskilled labour, that is, other than clerical labour, are the Post Office and the Customs. The Committee have had a great deal of information from the Post Office Department, and I would now like to ask you to what extent there is employment

Chairman—continued.

ment in the Customs for labour of the kind I speak of, and how far you think it would be possible to facilitate the engagement in that employment of old soldiers and sailors. I should add that by old soldiers now a very different thing is meant to what used to be meant. The old soldier now is a young man of about 26?—We have a large number of what we call extra men in the Customs service, that is, men not established, and their appointments entirely rest with the Board, or in point of fact with the collectors, because beyond giving instructions as to the class of men they should choose, we leave them a free hand within a certain number. We have altogether employed at the present moment 808 of these extra officers, and of those 361 are Army and Navy pensioners. We have 136 Army pensioners and 225 Navy pensioners. Our directions are in every case where a vacancy occurs amongst the civilians that the appointment is to be given, if there is an Army or Navy pensioner within reach, to that Army or Navy pensioner if he has a good character; he is employed in the place of the civilian. So during the last ten years we have done a great deal in the way of appointing that class. We only appoint as vacancies occur, of course. Whenever a man vacates his place in future that place will be filled up, as a rule, by an Army or Navy pensioner.

1693. What are the duties of this class?—They vary a great deal at the principal ports, but I have taken out some of the principal duties in which they are employed. Some are employed on messengers' duty, others on lighters on the river in London; that is limited to London because at the different ports we have not the same mode of discharging the ships. Then a number of them are employed as cart followers, that is following carts in which there are dutiable goods; then some are employed in rowing the examining officers about. Then we have launches and we employ on them the engineers and steersmen as far as we can from the Royal Navy. Then we have a good many who are simply drawing samples, that is drawing spirits for the purpose of being tested from the casks under the supervision of the examining officers, and they again are employed in carrying those samples to the different testing offices. Some of them are employed also in laboratories cleaning bottles, and doing the inferior work in those places. Then there is also a certain amount of watching duty on the quays; that is watching goods which have been discharged from a vessel and have not been moved; they require to be watched; and we place one of these men to see nothing is removed. Then there is another duty, that of keeping arrival and sailings books. At every port we have to keep a record of all ships which arrive from foreign ports, and all coasting vessels. Then some are employed as constables in London, Liverpool, and Dublin. Those are the main employments.

1694. What about the boatmen?—Those are established officers.

1695. How are they appointed at present?—They are appointed by the Treasury on the nominations, I believe, of Members of Parliament.

Mr. *Woodall.*

1696. Do they all become established men?—Yes.

1697. That is to say they are entitled to a pension, is that so?—Yes, they are entitled to a pension.

Chairman.

1698. The extra men you have referred to are not entitled to a pension, I presume?—They are not. Lately the numbers employed have been divided in this way. The Treasury have authorised a certain proportion of those employed on water guard duty to be placed on weekly wages of 24*s.* a week. They are liable to longer hours. Then there are certain others who are employed on land duty; they are paid 21*s.* a week. The remainder, whose employment is more uncertain, are paid 3*s.* 2*d.* a day when employed, but they are not certain of employment every day.

1699. What is the procedure of engaging old soldiers, or getting at them?—That I should like to see amended if I could, because I am very much in favour of their employment. At present we can only act in this way. They come to our office with their testimonials, and they are practically speaking put under the head messenger, and whenever their testimonials are good he enters them in a book, with their names and addresses, amount of their pension, and anything he wishes to record about them.

1700. That is as regards London men, I suppose?—Yes, and the collectors do the same at the outports. In London we employ out of the 800 men, I daresay over 300. The difficulty we find is this: these men change their residences so often, and it struck me if the Committee are going to recommend that their appointment in the Service should be extended, whether they could not be registered at the Civil Service so as to have a place to which they can send their addresses whenever they move.

Mr. *Woodall.*

1701. Do you never apply to the National Association for the Employment of Reserve Soldiers?—No, we have never had to do so yet. We have only just suddenly come towards the close of our list. We have still four or five men left, but I happen to want three more at the present moment, and we have not had answers from these men to whom we have written. I know we could apply, but we never have applied to that Society.

1702. But could you not make this Society do for you that which you have just suggested as desirable?—Do you mean that we could apply to them instead of keeping a list of our own?

1703. Yes?—Yes, I think so.

Chairman.

1704. They have a register of the applicants; they investigate the men's characters, and they keep their addresses, so that they are ready at any moment to meet the demand of any Department applying to them?—But would they give us the class of man we want, supposing we want an educated man. Sometimes we want only a rough kind of man to do duty on the river.

Chairman—continued.

1705. If they can put their finger on the right man whose qualifications they have already tested and recorded, it would save you a good deal of trouble, would it not?—It would save us a good deal of trouble.

Mr. *Woodall.*

1706. I suppose it is the sailor you would prefer, is it not?—No, I would not say that. There is a large quantity of duty which can be done as well by the Army pensioner as by the Navy pensioner.

1707. You have said that you prefer to give employment to men of the reservist class, rather than to the ordinary civilian?—I have; I have a personal feeling in that way.

1708. Why?—I think they deserve encouragement, and when they are looked after they do their work very well, but they require close looking after.

1709. As a class they give satisfaction in the discharge of their duties, but from their previous training they require a little more looking after, is that so?—They do; and I have no doubt you know perfectly well what the weakness of a soldier is after he leaves the colours—drink; and what struck me was, if I might venture to make a suggestion, whether those who are on the list for employment in public offices could not be kept under some kind of military supervision, such as an inspection once a fortnight, or something of that kind, so as to keep some kind of military touch over them; I think they want very little to keep them straight.

1710. I gather from what you have said that your preference for a man who has served his country is not merely a patriotic one, but that he answers your purpose from a business point of view; is not that so?—He answers our purpose from a business point of view, too.

Captain *Bethell.*

1711. Do you find any difference between soldiers and sailors as regards characters and self-responsibility?—I should say, if anything, you can place more reliance on a Navy pensioner to keep away from drink, than upon an Army pensioner.

1712. Do you find the Navy pensioners, on the whole, do well in your employment?—Yes, as a rule, if you can keep them away from ports frequented by the Royal Navy. Some 10 or 12 years ago we took a number of Navy pensioners on as boatmen. They were to have the same rate of wages, including pensions, as the established boatmen. I think we took on 100, and after three or four years we called for reports, and the reports of all the collectors, as a rule, were against them. The Board at that time decided not to engage any more of these Navy pensioners, and I do not think we have more at the present moment in the Service than 22 or 23, but the remnant are doing their duty very well.

1713. I suppose if a man goes wrong you discharge him, do you not?—Yes, as long as they are unestablished.

1714. But you do, I suppose, discharge them if they are on the establishment?—Yes.

1715. I suppose they know they will be discharged if they do not keep straight?—We feel it right not to act with too great strictness, because of the temptations to which the men are subjected, but if we see we cannot cure a man, we discharge him, after two or three trials.

Captain *Bethell*—continued.

1716. Are you doing the same as is done in the Army and Navy, gradually tightening up your rule as to education, and so on?—No, I do not think so. A number of these Army men write very good hands, and would make fairly good clerks.

1717. I mean tightening up your rules as regards conduct and sobriety?—Perhaps we have; not very much.

1718. You told us just now, did you not, that the boatmen are appointed, practically, by Members of Parliament?—Yes.

1719. Who actually appoints the other people?—The Board is responsible.

1720. Do you think the method of appointing the boatmen is satisfactory?—It is better than appointment by examination in educational matters; it is very rough work.

1721. Would you rather have the appointments in the hands of the Board?—I think I rather would, but it is a difficult question.

1722. Can you see, upon the whole, any difference in the suitability of the men who are appointed by the Board, and the suitability of the boatmen who are appointed by nomination, either in character, or in any other way, as a class. Taking the two, are the appointments more carefully made by the Board than by the nominations?—I do not think there is much care exercised in the nominations we get; we get every class of men appointed, and we have to make the best use of them we can. Some among them we get are remarkably stupid, and very useless; others are very intelligent.

1723. Is it your opinion that the present system by which boatmen are appointed is, upon the whole, an efficient system for the service, or a bad system?—All I can say as regards that is, that I would not appoint them by any competitive test.

1724. Do you think you would get a better class of boatmen if the Board had the appointment, as they have the appointment of other officials?—Yes, I think we should, because we should look closely into the antecedents of the man we appointed, and we should know whether he was likely to be efficient for the duty.

1725. In fact you are of opinion, I understand, that appointments made by Members of Parliament are in all probability not made with very much care?—I do not think they are.

Mr. *Woodall.*

1726. You stated that a few years ago you were authorised by the Treasury to employ a certain number of naval pensioners as boatmen, did you not, but in fixing their wages the pension was calculated?—Yes.

1727. What was the ordinary rate of payment of the boatmen at that time?—At that time they went only to 75*l.*; 80*l.* is the present maximum; but supposing a man had a 20*l.* pension, he would only receive in pay from us 60*l.*

1728. Has

Mr. *Woodall*—continued.

1728. Has that practice been continued?—Yes, as regards the remnant of the pensioners who are still in the service.

1729. Is it still the rule?—Yes.

1730. Are you prepared to say whether you feel that that is just to the men who have earned a pension for another kind of service?—I do not think it is; and the other day we wrote a letter to the Treasury rather suggesting whether they should not be allowed to draw their pension in addition to the ordinary pay as boatmen. However they referred back to their decision of 1880.

1731. That decision was confirmed then, and is now operative, is it?—Yes.

1732. Are you aware that that is an exception to the general treatment of pensioners?—I understood that it had been laid down that any pension which had been earned for naval or military service was not to be included in fixing the pension for civil service on land; on that we wrote to ask whether that did not apply to the naval pensioners who were still in our service, and the reply was that it did not.

Mr. *Woodall*—continued.

1733. Would you be prepared to say that the men so employed were, from any reason, not capable of earning the full amount of wage which the ordinary boatmen do?—They are quite capable of earning it.

1734. So that the State is appropriating to itself the value of the pension which some people might say, at any rate, it was not entitled to?—I think the State drove rather a hard bargain.

Captain *Bethell.*

1735. You told the Committee how many naval pensioners you took on at that time. Can you tell me, approximately, how many remain?—I think the actual number left is 22.

1736. Do you happen to know whether their services will shortly expire?—No, I think some of them will serve for 14 or 15 years more.

Friday, 3rd August 1894.

MEMBERS PRESENT:

Mr. Benson.
General Sir George Chesney.
Colonel Lockwood.
Colonel Murray.
Mr. Woodall.

GENERAL SIR GEORGE CHESNEY, IN THE CHAIR.

Mr. G. FLEETWOOD WILSON, C.B., called in; and Examined.

Chairman.

1737. I BELIEVE you are Director of the Army Clothing Department, are you not?—That is so.

1738. You have, I believe, a very large number of persons employed in that department?—Yes; I can give you the exact figures if you would like to have them. You may take it that I have a good many. There are 563 employed at the present moment, dealing only with the men.

1739. In what capacity are those men employed?—The department is divided into store, inspection branch, and factory. The men who are employed in the factory are employed solely as viewers, work-takers, and in work of supervision generally. The men in the inspection branch are divided into those who may be called viewers, with technical knowledge, and the men who perform the duties of porters and packers, and so forth. In the store branch, with the exception of the superintending men, they are all what you may call of the labour class, engaged in packing, moving goods, dusting them, and keeping them generally in order, and doing the general work of the branch, very much as you find men in a large commercial store.

1740. How are these men engaged, for permanent service, or how?—At a weekly wage.

1741. Are they permanently employed in the sense that a man, if once engaged and gives satisfaction, he is practically retained?—Yes, certainly. Since I have been there, and for some time before, there has been no appreciable discharge for reduction. If a man comes, as a rule he can count upon being there as long as he is efficient.

1742. Your staff is continuous in number, is it not?—Yes; if I had a slight pressure I should take on a man or two and tell him it was only a temporary matter; and probably he would have a prior claim for employment on a vacancy occurring; but the greater number of them are practically permanent, although at a weekly wage.

1743. Have you any ex-soldiers employed amongst the staff?—I have; I may say at present the instructions I have given are that no man is to be taken on unless he has served in the Army; I must except from that one or two men with technical knowledge, such as engine drivers, engineers, and men of that sort; otherwise it is a *sine quâ non* now that they must be ex-soldiers.

Chairman—continued.

1744. When was that rule introduced?—My department was one of the very first, I think, that took that question up; and my predecessor, who was a civilian, like myself, felt very strongly that as it was a department of the War Office, preference should be given to men who had served in the Army. I find that as far back as 1891 he gave orders that temporary labourers should not be engaged unless they had been in the Army. That was the first law on the subject which I can find. Since then it has been gradually moved up from the temporary labourers to the general staff of the department. In 1892 we issued an Army order that men of good character who had served in the Army and discharged or passed into the Reserve, were eligible for employment in the Army Clothing Department under certain rules and regulations. That was issued on the 1st June 1892. That, as far as I have been able to ascertain, was the first authoritative public statement that has been made drawing attention to this opening for soldiers. That was afterwards embodied in a further pamphlet, which was issued with the Army order of the 1st June 1893, which gives general instructions for the civil employment of Army Reserve men and discharged soldiers in the various departments of the Government which were willing to take them. But the original Army order applied, as far as I am able to ascertain, only to my department.

1745. With regard to this movement in favour of the employment of soldiers, which has been set going in your department, from what source did it emanate in the first instance, was it of your own motion; was it initiated by the head of the department?—Yes.

1746. Do you think it was in consequence of instructions he received?—No; I do not think he received any instruction, but he was, no doubt, well aware that successive Secretaries of State and Surveyors General and Financial Secretaries had all felt that since short service had

Chairman—continued.

had been introduced, a considerable responsibility rested on the administration to do the best they could for men who were turned into civil life.

1747. With regard to the Army orders you have spoken of, are they issued in the name of the Secretary of State for War?—No; they are approved by the Secretary of State for War, but they are issued by the Adjutant General in the name of the Commander in Chief. Formerly, there were two classes of orders issued, one called an Army circular, which dealt with what you might call administrative questions, and then there were General orders which dealt with discipline questions, and it was thought unnecessary to issue two sets; and after consideration it was decided, I think, in Mr. Stanhope's time, to make one book of it, as it were. Now, we embody clothing regulations and pay regulations and everything in it, and it is therefore issued by the Adjutant General. Of course, it is always approved by the Secretary of State.

1748. Is your department under the Financial Secretary now?—Yes, it is a purely civil department.

1749. Where does the Adjutant General come into the matter; is he consulted about the arrangement of your factory?—No; he has nothing to do with it. Nothing affecting the internal administration of the department would go into an Army order, only such things as clothing regulations affecting the Army generally, and the new system we have introduced wit regard to soldiers keeping their own clothing; otherwise I take my orders from the Financial Secretary or Secretary of State.

1750. But this was an order affecting the mode of dealing with ex-soldiers, and therefore I suppose it was thought a proper thing to deal with it as if it emanated from the Commander in Chief?—It was only the announcement to soldiers. He conveyed the information to soldiers that we were ready to take them.

1751. What has been the result, so far, of this policy in point of numbers?—In point of numbers in the first instance, I have in the store and inspection branch 394 men employed; of those 394 men, 185 were ex-soldiers; by ex-soldiers, I mean men who were either pensioners, or had served their time and gone, or Army Reserve men.

Mr. *Woodall.*

1752. Are you able to distinguish them?—Yes, of those 185 there are 31 reservists, 70 non-reservists, and the remainder are Army pensioners; I have not divided them into men who have earned a pension and those who have not.

Chairman.

1753. A non-reservist might be a man who had passed through the reserves and completed his reserve engagement, might he not?—Yes, certainly, 31 are men serving in the Reserve; that is in the store and inspection branches. In the factory, which mainly, of course, consists of women, I have only 109 men. Of those 55 are ex-soldiers, 9 reservists, 22 non-reservists, that is to say, pension men; and the balance are men

Chairman—continued.

who have served in the Army, but who have either gone or served their time, and have no longer any connection with the Army, so to speak. Then I have what I think is rather unusual in most departments, that is, a clerical staff of ex-soldiers; I have 60 men employed generally, and no less than one-half of them are soldiers. They are men we call mechanical writers; a great deal of my clerical work is done by perhaps not so high a class as that of clerks, but still it is efficiently performed.

1754. Are you able to say with regard to those men employed in the clerical branch of the work, whether they are, in any large proportion, non-commissioned officers?—I do not think I have many who were not non-commissioned officers; I have not got the exact proportion of them, but as a rule the great bulk of them would be non-commissioned officers. Some would not be; there is no rule about it. A good many of them are men who have been engaged in clerical work in regiments; orderly-room clerks, and so on.

1755. The large proportion which you indicate as being military men seems to indicate a rapid movement in this direction, does it not; that is to say, in three years, over one-fourth of the men seem to be connected with the Army?—No; there had always been a very strong tendency in the department ever since Mr. Ramsay was there, which dates back 50 years ago, that if we could employ soldiers we would.

1756. Then ultimately your department will be organised and manned in this way, will it?—I have given orders that nobody is to be taken on unless he has served in the Army; but I do not think, if I may be allowed to express an opinion, it would be advisable ever to tie down a head of a department to a hard-and-fast rule, forbidding him to take a civilian, especially in a department like mine, because if I could get, for instance, a man who had had thorough acquaintance with the manner in which say boots were packed in a civil firm, I think it would be detrimental to the public service to refuse the services of such a man simply because he had not been a soldier.

1757. Where the desire to carry out the principle is so strongly expressed, there would be no need to make a hard-and-fast rule, would there?—I do not think so. The other day a case came before me of a young man whom I would have been glad to have got in the department; I have known him ever since he was a boy; I have a high opinion of the family he came from, and I was anxious to do something for him, but because he had no special technical knowledge which I should have thought justified me in making an exception, I refused to take him, and I did so with great regret, because I think he would have been a very useful servant.

1758. I suppose the men employed in your department will probably remain for some years?—Oh, yes; they never go unless they get into trouble.

1759. Therefore, even supposing they originally came to you as men belonging to the Reserve, in process of time the actual reservist would only form a small fraction of the whole, would it not?

Chairman—continued.

—Yes, and that is a very important element. I am only waiting for the Report of this Committee, as I did not think it would be respectful to put forward any paper until we knew what the views of the Committee were, but I was going to propose to the Financial Secretary whether it would not be advisable to ask the military authorities to recognise our work as really a service to the Army, and to allow us to keep the small number of reservists which we might have in case of mobilisation. The loss to the fighting ranks of the Army would be inappreciable, because a great many of these men are men who have served in the Transport and analogous services, and it would be a very serious matter for me, at a moment of pressure or emergency, to have to part with a large body of men who are thoroughly trained.

1760. Still the proportion of reservists, I gather, would only be a small one, would it not?—Yes; but I was working it out as far as I could, though it is very difficult to form a correct estimate. We might have a couple of hundred such men there. For instance, a good many of my men are old men, pretty much of an age, and when they go they will go rather *en bloc*, and it might catch me at that moment.

1761. But in the emergency of the Reserve being called out, a small extra expenditure would be a matter quite insignificant with the war expenditure going on, would it not?—But it is not a question of money; it is a question of knowledge.

1762. Would you not be able to get from the whole clothing trade of England a special staff, for the occasion, to fill up such vacancies?—I think you would be the first to admit that that would not be a good moment to make such an experiment. I will give you one point alone. The place covers eight acres of ground, and it will take the best part of a week to learn your way about. I should like it to be understood that I might keep my few reservists.

1763. Of course, if that stipulation were made right through the employing agencies, it would cut at the root of the reserve system, would it not?—I think this is a purely military work. The pressure that would come on the department would be the issuing of mobilisation stores, and it really is an accident whether the men wear a red coat or a civilian coat; they are really working for the Army in packing and sending off goods for the Army, and I think it would be worth considering at all events.

1764. Your department, no doubt, is very specially connected with the mobilisation of the army; but so would be all the artillery departments, would they not?—Do you refer to the Arsenal?

1765. Yes?—Undoubtedly; and the Ordnance Stores, too.

1766. Those are departments which may be the largest employers of soldier labour; but, admitting the difficulty, do you not think that in consideration of the great importance of the principle advocated, it would be worth while to undergo the inconvenience, admittedly great though it might be?—Of course, I am trying to get the best I can for my department. I think it is a serious question, and I wish to point it out, and I hope the Committee will consider it; but where I am comforted is that I think it is extremely improbable the whole Reserve would be called out at once. Probably only the men who had most recently left the colours would be called out at first, at all events, and that would give me time to get men and train them. I may say also that I have no less than 914 men waiting for employment, and the chances are that some of them, at all events, would have been previously employed on odd jobs in the place. I would undertake to do it, but I would rather keep my reservists if I could.

1767. The objection you raise is of a similar kind as would occur at the head-quarters of competent officers; might not that objection be raised at the Horse Guards?—It has been raised, and so seriously was it recognised during the Egyptian Campaign, that it was practically laid down that in future the Adjutant General and his chief officers were to remain at head-quarters, because when Lord Hartington was Secretary of State he was left with a practically new staff at a most critical moment. He objected most strongly to it, and I think it is almost an understood thing now that if a man takes a high appointment at head-quarters he is to stop there in case of war; and that was so, you will remember, when it was rather indicated that the man in command at Aldershot should take command of an expeditionary force.

1768. As regards the wages paid in your department, do you take into account in the rates of wages the fact that the man is getting reserve pay as pension?—No; some of them get considerable pensions. I had to discharge a man for drink the other day who was getting, I think, 24*s.* a week pension.

1769. Do you, in fact, think he has earned his pension, and he makes a fresh contract with you?—Certainly, I feel strongly about that. I think, if a man has retired on his pension, it is very unfair to dock his pay of the amount. It applies to Ministers of the Crown as well, as you know; that is to say, if they are pensioned and re-employed their emolument is not to exceed the full figure of the pay of the post. I should like to say, of course, that is a question of policy, which would rest with Mr. Woodall, and not with me, under what conditions the pay was assessed.

1770. Will you tell the Committee what are the general rates of pay in your department?—I have not those figures with me, but I can send for them if you want them. The minimum has been raised by the present Government to 19*s.* That is the lowest pay which we can give, and a great deal has been done since the present Government came into office for the men of my own department, but I believe it applies generally throughout the service. I felt it possible to put forward a scheme which met with the approval of the Financial Secretary, under which, in accordance with the wishes indicated by the House of Commons, if I may say so, and the policy of the day, the hours were reduced to 48 hours a week. A complete re-classification took place, abolishing what was called the fourth class

Chairman—continued.

class at a low rate of pay, increasing third, second, and first classes and the supervising places, and generally considerably improving the condition of the men in the department.

1771. Have you retiring allowances or gratuities?—Gratuities on discharge is also an advantage they now have, regulated by their length of service and their rate of pay. That has been a great boon to them and has a very steadying effect.

1772. So that a soldier in your department might retire with a gratuity received from your department, plus his original pension?—As far as I am aware, the pension is ignored altogether; he has earned it, he has a right to it, and we do not consider whether he has got it or not.

Mr. *Woodall.*

1773. You have, no doubt, many cases where a man has been an ex-soldier and fulfilled his term with you and retires; he would be, as a matter of fact, enjoying the retiring allowance from the factory, and the allowance from the service?—It would be a gratuity. I will give you a case in point. Last week I had to discharge a man for drinking. He does not lose his pension; he is getting over 20*s.* a week military pension, but I do not touch that. He goes and can drink himself to death with it if he chooses. I could not touch it.

Chairman.

1774. As you have formed this desire on your part to employ soldiers so largely, may I ask what is your impression as to the general conduct and intelligence of the men you employ?—Of course my opinion must be taken for what it is worth. I have only been in the department a year, but I have devoted a great deal of attention to that point, because it is a matter I have always been connected with as a private secretary in past years, and it was very prominently brought to my notice that since short service was introduced, the difficulty of obtaining employment for soldiers was becoming more acute every day. When I was placed at the head of a department, which was a labour department, it was natural that that should be one of the first points upon which I would endeavour to obtain information. My own view is entirely fortified and supported by two very important opinions, I think: one is that of my chief clerk, and the other is that of my store-keeper.

Mr. *Woodall.*

1775. Were either of them soldiers?—Both those men were soldiers, and I think it is rather a remarkable case, because I do not know, with the exception of one technical man at the War Office, Mr. Hunter, another case where two men occupy such purely civilian posts who have been soldiers in the Army; and they are both good men. The conclusion we have arrived at in the department is that, as regards the ex-soldiers, they may be divided into two categories, the old type of pensioner soldier, and the younger men who have served a short time, and either gone to the reserve or left. I do not at all wish my remarks to be taken to apply to all

Mr. *Woodall*—continued.

pensioners, or all men of that class, but on the whole they are not a satisfactory class. The old type of pensioner soldier is not a satisfactory class. It is quite recognised that on the day they draw their pensions it is advisable to look the other way. They are all men, or the general body of them, are men who have got rather the old type of soaker about them, if I may use the term; and they are stupid. They have been kept a long time at a particular work where they are not taught to exercise independent judgment; they are many of them men who have served in hot countries, which, if I may venture to say so in your presence, has sometimes a debilitating effect mentally and physically; and you find the difference that is noticeable in the old and new soldier. They may have good qualities; I have no doubt they would stand being shot quite as well, perhaps better, but when it comes to a civil occupation they are apt to drift into drink, and they do not display much intelligence; you cannot trust them at a pinch; they are not "nippy," or smart, and you cannot depend upon them. If you tell them to carry a bale from one place to another, they will carry it, but they will not carry it any quicker if the British Army is in absolute want of that bale, and if they are told to put it down where there may be a wet puddle, they will put it down there; they will not exercise their intelligence and put it a little on one side of it. That is the class of men. But the reserves and younger soldiers are excellent; you cannot have better men. I have one or two points on the question of discipline and sobriety, which I can give the Committee. As regards discipline, I went into the question as to whether they were more or less amenable to discipline than the civilians employed. At present we are rather in a favourable position to judge, because we have just about half and half. Taking it all round, I should say that the ex-soldier certainly at first is more amenable to discipline; they will more readily obey an order without arguing. I do not wish to imply that the other men do not equally obey orders readily, but still a certain amount of the military discipline hangs to them for some time, and that in a department like mine is a distinct advantage. As regards sobriety, the difficulty with the soldier is that he cannot resist drink under certain conditions, and many of the railway managers whom I have consulted say the same thing. They say they get an Army man who is perfectly sober, well conducted, and thoroughly satisfactory, until one fine day an old comrade who has served in his regiment is travelling, and they will both go to the bar and get drunk. There is a sort of camaraderie about them; they must drink, and that you get rather more in the soldier than in the civilian; but I must say in the department generally there is no difference noticeable as regards sobriety between the civilian and the soldier element.

Chairman.

1776. You referred to the pensioner as being always in difficulty on his pension day. How often is his pension paid him?—Once a quarter.

1777. Does

Chairman—continued.

1777. Does it occur to you that a more frequent issue of pension pay would be of advantage to the pensioner?—I have not the slightest doubt about it myself, but I understand there are very great difficulties about it. It has been carefully considered; I saw the great difference which took place when the monthly advances, as they are called, were instituted in the Civil Service. I was then in the Pay Office, and used to pay the civil pensions. Formerly they drew their pay quarterly; they were always in debt, and there was always a crowd of landladies and people waiting for them; but when the monthly payments were introduced, although the monthly amounts were very small, the improvement in these men was quite noticeable; and I think the same thing would apply to military pensioners.

1778. Are you aware that in India, under the Indian Government, all pensions are paid monthly?—I believe that that is so, and I understand that it is done with success. As regards efficiency, I think they are quite as efficient as the civilians we employ, speaking now of the good type of soldier. If you can get them to take an interest in their work, which is not always the case, especially with a man who has a small pension to fall back upon, they make their way and settle down and do their best; I should say they were almost better than the civilian. Of course this must be remembered also; that I have a number of civilians there who have joined the place as boys, and they naturally show to advantage as compared with the soldiers, because they have had a longer training and acquaintance with the place; but taking it all round, the efficiency of the soldier is perfectly satisfactory. I also went into the question as to whether they had any feeling about being controlled and ordered about by civilians, and I can trace no sort of feeling of that sort at all. They quite recognise that a viewer who is over them, for instance, is their superior; and I do not think there is any friction or feeling of that kind in the least. It has been adduced as a difficulty that they would not readily take orders from civilians, but I have not found that at all. At the same time, of course, there is a feeling of brotherhood amongst them, and if their viewer has been a sergeant in a Highland Regiment we will say, a man who was a Highland soldier naturally likes it. Then another point I went into with great care, because it is very important in my place, was whether if I had a large number of soldiers, especially the younger soldiers, there would be risk of improper intercourse between them and men at the regiments, because of course we are open to losses, as has been prominently brought forward of late in the quartermaster's stores, and that sort of thing. We did have one case of a clerk who was a soldier, and he telegraphed to a quartermaster to let him know that we were sending down to inspect his stores, which put the man on his guard, and prevented him getting a much more severe sentence than he otherwise would have done, I think. But taking it all round, the risk is certainly not sufficient to justify one's raising a serious objection on it. With the men now changing so rapidly as they do, I do not think there is much fear of that. There was one other point which I should like to mention. I asked this question of those two men, whose opinion, I think, is very valuable, the storekeeper and the principal clerk, and they both say that the general tone is not as it was when they first began taking soldiers; and they attribute that to the sort of general indiscipline which is to be found, according to their view. They say that a man is much more inclined to answer and be cheeky, as it were, than he was in former days; but I am afraid you will find that right through civil life as well. Then another question arose as to whether it would be better once you had nothing but ex-soldiers in the department, to give them not exactly a uniform, but a rough coat like a serge jacket, which the recruit wears, and perhaps a cap. Personally I am very much in favour of that; I think it tends to prevent a man going into a public-house; and a man is more careful because you can spot him at once. On that point, there is a difference of opinion in the department. The fact is, if you made it compulsory, the half of them would at once object; on the other hand, if you said, "You may have it if you like, and for nothing," they would all take it.

Chairman—continued.

Mr. *Woodall.*

1779. That would be a costume, would it not, which would be merely worn in the Department?—Yes, only inside the building; a sort of fatigue jacket. So that if they went out, and I saw a man in my coat going into a public-house at three o'clock when he ought to be inside, I would ask his name. That was found to be essential, I believe, in the Post Office. There is only one other point which I should like to bring before the Committee. It is not quite within my province, but I notice this already. I think anything like a law prohibiting us to stop the employment of civilians would do a great deal of harm. Already I notice a tendency on the part of the civil workpeople to complain. Take, for instance, a man who has been a good servant of the department, and has worked there a number of years, who has a younger brother, he thinks it very hard if he is refused employment. He says: "I have been here a number of years, you know me; we come of a respectable family, and yet because my brother has not been a soldier you will not employ him." I think it is an important thing to avoid creating that feeling amongst them, if possible.

1780. Have you any boys employed?—Yes, and that is the difficulty; we must have a considerable number of boys, which is a cheap way of working the place, as there is a great deal of work which can be done by them, and very good boys most of them are. Hitherto they have worked themselves up from boys, to whatever places they were fit for, and now it will be a question of what we shall be able to do with these boys. I should say to them, "Go and serve your time and come back, and I will keep a place open for you." That is what I should like to see throughout the country. I know I have been called visionary about it, but I do not accept the failure of the Post Office scheme as conclusive

Mr. *Woodall*—continued.

conclusive evidence. I remember many years ago we had great difficulty in getting the Post Office to accept posters for recruiting. It was a tremendous fight, and the attitude of the Post Office has always been, as far as I am able to judge, a feeling that they did not see why they should be the sort of body on which the experiments of the War Office were to be tried. They have as good as said, "You have introduced a system under which you cannot get soldiers; you then change it, and introduce a system under which you flood the country with men wanting employment; and you foist them on us. Why should you try your experiments upon us?" I think that has to a certain extent broken down the experiment; but I should like to see it right through the country. I should like to see clerks in every office engaged very much younger than they are now, to do the lower class of clerical work, and I should like it to be very much as with the boys taken in the Navy, and apprenticed, as it were, to the Government. Make them serve with the colours for a number of years, and keep a place for them when they come back. If it were done throughout the service I do not see why it should not succeed; but I quite admit that nobody else agrees with me.

1781. And your desire does not find any encouragement, at any rate, from the practical experiments which the Post Office undertook to try, does it?—No; but, as I say, I think that is partly attributable to the fact that they did not take very kindly to it at the beginning; and secondly, unless it is made universal, it is unfair to a department, and the people in it feel it to be unfair. If it were an universal rule throughout the service of the country, it would not be felt as a sort of special order, applying to a special class of civil servants.

1782. In the meantime, under the circumstances to which you have referred, as to the hardship of which the civilian employé complains, do you think the difficulty would be met by laying down a rule that a certain proportion of the vacancies should be filled from the reservist class, while the others were filled from any class in the country, with greater freedom?—I do not think it would be a good thing to lay down a hard and fast proportion. I think it would be better to impress very strongly on the department the views of the heads of the Government, so to speak; and I think it is practically admitted that that is irrespective of politics altogether; then leave it to the head men and say, "you clearly understand what your policy is to be; we expect you to carry it out; but if you have any special reason you may vary it." It might be useful from a disciplinary point of view to be able to say to the men, "if you do not choose to behave yourselves, I will give up having soldiers; I will have civilians." It is as well to give a man that free hand, I think.

1783. But at the present time you practically confine yourself to ex-soldiers, do you not?—Absolutely, with the exception of technical occupations, like cutters, and men of that sort.

1784. But still, you have done that merely in the exercise of your own discretion, and you would feel yourself perfectly at liberty to rescind

Mr. *Woodall*—continued.

or modify that decision, if experience showed it to be desirable, would you not?—If experience proved that the men deteriorated, or that the general work of the department was going all wrong. It would have to be something very very serious, otherwise I certainly would not.

1785. Or if you found it was desirable to reward one member of a family in the instance you quoted who behaved very well?—Yes, I think so, in that instance. I may say I have gone rather further than has hitherto been the practice in the department. Hitherto, I understand, we have been in the habit of considering viewers as specialists, as it were, with technical knowledge, and I think perhaps there was a little inclination to say these men must be accustomed to the trade, but I am happy to say that I am introducing viewers from the Army wherever they have technical knowledge. I have several men in the boot store who have been in the regimental book-makers' shops, and if they have a knowledge of the trade, I should take them in preference to a civilian; but there again we should be face to face with a great difficulty in a department like mine if you laid it down as a law which was not to be broken that only soldiers were to be employed, because my inspectors would turn upon me, and say, I have not got the material which I consider sufficiently efficient for inspection purposes.

Colonel *Lockwood*.

1786. I think before you occupied your present position you were private secretary to Mr. Bannerman and Mr. Stanhope, were you not?—Yes, and assistant private secretary to Mr. Smith and Lord Hartington.

1787. How many years' experience have you of the ex-soldiers?—A good many; in my old office we had considerable experience of ex-soldiers from paying their pensions. I am sorry to say my experience is about 23½ years, and I have been brought into constant contact with them.

1788. How many vacancies a year do you have?—I could not tell you. I have tried to get at that, but it is very difficult to say. There have been very few of late. I have several oldish men, but that is the difficulty; you see the men come, and they do not go.

1789. If there came a pressure of work you would have to take on some more hands, I suppose?—Yes, and if there was considerable pressure of an emergency class, I am afraid one would have to discharge them afterwards.

1790. Then you cannot give the number of vacancies, can you?—I do not think any number I could give would be of any use to the Committee; it would be probably misleading.

1791. From whom do you get this supply of men; do you keep a register of your own?—Yes, I have 914 on my books at present waiting for employment.

1792. Are you not in touch with any of the societies we have heard of?—I am sorry to say I am in touch with every single person who wants employment for the men.

1793. Then you do have communications, do you?—Yes, from every commanding officer, and

Colonel *Lockwood*—continued.

I may say also that they appear to be under the impression that I have a vacancy in my pocket at any moment, because I get the most furious epistles from commanding officers on the subject.

1794. Therefore you practically fill up your vacancies from your own register, do you?—Yes. I must have, for instance, men of good physique for lifting bales and that sort of thing. For instance, if a man came and was blind of one eye, or had a shattered hand, I should have to say, I am very sorry I cannot find you employment here.

1795. Your clerical staff consists of 60, I think you said, of which 29 are ex-soldiers?—Yes; that is to say, I have a larger staff than that, but that is in the particular kind of work in which I employ them.

1796. Have you any examination for that clerical staff?—No; the practice we adopt is this. We expect a man to be fairly educated, all ex-soldiers now are; they have gone through a certain amount of learning, and they come in first of all in the lower ranks of the department, and if they are good men who have an aptitude for figures and that kind of thing, they get on and become writers. If we have a thoroughly good man who has been an orderly room clerk, we put him at once to writer's work.

1797. Do you fill up this clerical staff from the general list?—You see it is rather a better place, so that if a man in the factory who is on manual labour is fitted for the place, it would be rather hard to bring in a new man.

1798. The store-keeper and principal clerk you spoke of, I presume, are at the head of your department?—The storekeeper is in charge of the whole of the stores, which amounts to three-quarters of a million very nearly, and of the whole of the labour excepting the factory; he certainly has very responsible work.

1799. I think you said they were both ex-soldiers, did you not?—Yes, the principal clerk is a more marked case, because really he is discharging the duties of what in any office might be called the chief clerk. He has the whole of the registry of the papers under his control; he has the whole of the clerical establishment under his control; the framing of the estimate (of course under me); but still I turn to him if I want particulars and details, and he keeps all the books and so forth.

1800. What salary do they get?—They both get 600*l.* a year, and they have worked their way up from the Queen's shilling.

Colonel *Murray.*

1801. Were they non-commissioned officers when they came to you?—Yes. They had, I believe, got into the Land Transport, and were non-commissioned officers.

Colonel *Lockwood.*

1802. Is there compulsory age for retirement from your service?—Yes, 65; they are reviewed at 60. That is my difficulty. If mine were a commercial undertaking, I should get rid of them at 60. You cannot get the work out of a man from 60 to 65 that you did before 60, in moving bales, and so on.

1803. That creates a certain amount of vacancies a year, does it not?—They, many of them, stop on to 65.

1804. Have you any difficulty in getting any technically educated men for the various trades?—I do not think so. Of course, I cannot force my inspectors to take them; my inspectors have a perfectly free hand; it is the only way I can pin their responsibility to them, but I am glad to say that my boot inspector is quite willing to take a good ex-soldier if he has the knowledge, and Mr. Sage, the manager of the factory, is very ready to take a viewer who has been in the tailors' shops in a regiment, and I should like it very much in the cloth inspection department, but the inspector there does not think they have technical knowledge.

1805. Do you find a fair supply of men to fill all vacancies from the ranks?—Yes.

1806. Did I understand you to say that there was some slight jealousy between the soldiers and civilians?—No, there is none; I do not think there is any at all. I said that I had purposely gone into the question, but I cannot find any trace of any such thing. Perhaps you are alluding to the question of keeping out civilians altogether. There is a little feeling as regards that.

1807. I mean generally?—No, when once they are all in they are all right, there is no jealousy between them.

1808. Do the Committee understand that you infinitely prefer the Director of Clothing being left an absolutely free hand in the engagement?—Yes; I think it is most important from every point of view that it should not be laid down as a law not to be departed from. I have never seen in the 25 years' experience I have had in two Government departments, and in touch with many others, any disinclination on the part of civilians themselves to assist soldiers or to use them; in fact I have often thought, speaking rather plainly, that a good deal more could have been done by officers and retired officers in the engaging of ex-soldiers as servants in their own households than is usually the case. I have never seen any disinclination in public departments to take a man because he has been in the Army.

Mr. *Woodall.*

1809. As a matter of fact, you have no hesitation in your own mind, have you, that you do enjoy that absolute discretion?—Not now. I have no reason to suppose that I have other than a free hand in the matter. It is an order which was issued by a predecessor which I have strengthened, but, of course, if I give an order, I presume I can alter it, subject to your approval.

1810. With regard to the circular of the 1st of June 1892, the action on behalf of your department was coincident with the general movement at the War Office, was it not?—Yes.

1811. Reference has been made by previous witnesses to a conference held at the War Office, at which, I think, you were present in May, 1892, with

Mr. *Woodall*—continued.

with the railway companies under the presidency of Lord Brownlow?—Yes, and this was practically the outcome of a new policy.

1812. So that there was a general all-round movement, was there not, in which your department co-operated?—Yes, I was only speaking as regards my department. But the general policy of the War Office was then crystallised, as it were, in the direction you indicate.

1813. And there has been no retrocession that you are aware of, has there?—On the contrary; certainly both Mr. Campbell-Bannerman and yourself impressed upon me when I took up my duties that it was the policy of the Government, and that everything should be done that properly could be done for old soldiers consistent with the efficient conduct of the department.

Mr. *Benson.*

1814. I think I understand you to say that most of your men had served in the transport?—No, I was alluding to my two head men, the storekeeper and the principal clerk.

Mr. *Benson*—continued.

1815. Then do your men generally come from every regiment?—Yes, I have had one or two officers down there; the men have recognised them, and they have recognised the men from all sorts of regiments.

1816. I suppose you have a good many employments for which some previous mechanical training or expert knowledge is required?—Of course in one sense the whole of the inspection is purely technical, but then you have now in the Army a certain class of men who do possess technical knowledge, and that is the class I want to tap. If a man has been accustomed to inspect boots under the quartermaster of a regiment, for instance, he probably has a good knowledge of boots. I do not see difficulty in manning practically the whole department with soldiers, if I am allowed a certain latitude in dealing with individual cases and individual places.

Major TATE called in; and Examined.

Chairman.

1817. YOU are connected with the Ordnance Store Department, I believe?—Yes.

1818. What is the number of persons employed in that department?—The total number, including women and boys, is 2,671.

1819. How many men are there alone?—Men alone, 2,513.

1820. The point on which the Committee desire to obtain information from you is as regards first the extent to which you now employ ex-soldiers in your department, and next, to what extent you think their employment can be extended. Will you give us briefly the facts?—Of those 2,513 men, we have got altogether, pensioners, Army Reserve men and ex-soldiers, 1,586. Of those 1,586, 1,025 are pensioners from the Army; 77 are pensioners from the Navy; 317 are what you may call ex-soldiers who are not drawing pensions, and 167 are Army Reserve men.

1821. Does your department form one body for the purpose of distribution and appointments to promotion, or are the different local depots composed entirely of separate local establishments?—All the local establishments are separate—engaged locally, and maintained locally.

1822. And are not liable to transfer from place to place, are they?—Transfers are made occasionally, but they are not liable to it; it is the exception to the rule.

1823. Who has the first appointment to places at the various depots?—It rests with the senior local officer of the Department under the General Commanding. At Woolwich it would be in the hands of the Commissary General of Ordnance.

1824. Is this large employment of old soldiers a mere accident, or has it been in pursuance of a definite policy?—It is in pursuance of a definite order.

Chairman—continued.

1825. When received?—The special orders were received about two years ago.

1826. Since that time has this large number of pensioners been introduced?—No. We have always employed pensioners to a large extent.

1827. Then, practically, there has always been that policy for many years past?—Yes.

1828. Will the orders you have now received lead to a greater development of the practice?—I think it will as time goes on.

1829. Has any distinct declaration been made upon that point departmentally?—Yes, it is in our Book of Regulations, which I will read: "In selecting labour preference should be given to pensioners and men of the Army Reserve. If there are none available, civilians may be appointed, and in any case a certain proportion of civilians should always be employed to provide for the contingency of Army Reserve labourers being recalled to active service."

1830. Does it say what that certain proportion should be?—No; it is left to the discretion of the head of the department at each station. That was Army Order 130, which was issued about two years ago, probably in June.

1831. It is left to the different local heads to act on the spirit of those rules, is it?—Yes.

1832. Does your department take any steps to ascertain that that is carried out?—I am not aware that they have called for any returns on the subject until the present moment, but it is generally known that they are carried out.

1833. What class of employment is there afforded in the Ordnance Store Department. Have you the storage and custody of all kinds of warlike stores?—Yes.

1834. Does that involve a certain amount of skilled labour?—Yes.

1835. And also moving, packing, and so on?—Yes, and artificers' work.

Chairman—continued.

1836. Do you find artificers forthcoming from the Army?—As a rule the artificers are not old soldiers. Some of our establishment of course is purely military. I am now dealing with the civilian establishment, and the artificers are not, as a rule, old soldiers.

1837. Could not the Artillery supply a number of skilled artificers?—I do not think they apply to us very much; I fancy they do well in civil life if they have a trade, but I have not any actual figures before me.

1838. In a general way do your men come chiefly from the line?—No, there are large numbers from the Artillery; but they come from all branches of the service, there is no fixed proportion.

1839. Do you keep a register?—Yes; there is a register kept at every station.

1840. Is any particular measure taken to inquire into characters?—The applicants generally produce recommendations; they would not be taken without recommendations. Of course, there are their discharge certificates.

1841. Do you mean that they produce recommendations apart from their discharge certificates?—Yes; as a rule they produce recommendations from officers they have served under.

1842. Then you do not take them necessarily by the seniority on the list, do you?—No; we pick out those we think best.

1843. Do you take any account of whether a man is drawing a Reserve pay or not?—No. In the case of Army pensioners they continue to draw their pensions. In the case of the Navy there are special rules. I believe they have to give up their pensions under certain circumstances. We have a regulation which says that the employment of naval pensioners will in every case be reported to the War Office, together with the man's pension number, in order that it can be ascertained whether a man is eligible to receive his naval pension whilst so employed. When a naval pensioner applies for such employment he should be informed when he has not completed his time in the Navy, but has been awarded a pension, as unfit for service, that his pension is not payable while employed in the service of the Crown.

Colonel *Lockwood.*

1844. That is where he has been given a pension as being unfit for service in the Navy, is it?—Yes.

Mr. *Woodall.*

1845. Is it held that, having received a pension under the circumstances you have described, he is equally an inferior man for civil employment or in some sense is incapacitated for civil employment?—I suppose so.

Chairman.

1846. The pension is given to him, is it not, on the ground that he cannot support himself. It is a sort of premature pension?—Yes, but the injury might be of such a nature as would not unfit him for employment in a civil capacity.

1847. Do you anticipate that in the course of time the department, which is already very largely composed of soldiers, will be very much more so?—Yes, I think it will.

Chairman - continued.

1848. May I ask, so far as your personal experience goes, what has been the result of this employment. Are you satisfied with the performances of the soldier employees?—Yes; we generally consider them to be the most suited for the work.

1849. What rates of wages prevail in your department. What does a man count upon?—I should hardly like to say as to all the rates. I think the labourer begins at 19*s.* 6*d.*; that is the minimum at Woolwich.

Mr. *Woodall.*

1850. The minimum has been increased from 17*s.* to 19*s.*, has it not?—Yes, to 19*s.* 6*d.* There used to be three rates, but they have all been abolished, and there is only the one remaining of 19*s.* 6*d.* The others, of course, are paid according to their capacity. I mean to say, artificers and cranesmen, stokers and clerks, and so on, will get different rates.

Chairman.

1851. Are the men who come to you for employment always resident in Woolwich?—Not necessarily. They go to Woolwich to apply for employment, and their names are then put on the register.

1852. Are there any points on which you would wish to suggest any considerations to the Committee?—I think not. As regards the actual total of the pensioners employed, compared with the total number of subordinates, there are certain ranks which would almost always be better filled by civilians, such as storeholders, and in many cases foremen, and the artificers and the cranesmen as a rule would be civilians.

1853. If you had an ex-soldier in a subordinate post, and deserving promotion, would he not get it?—He would get it, certainly; it would be simply a question of qualification.

1854. The presumption is that you would not have men with those qualifications, as a rule, is it not?—The storeholder should be a man who had several years' service in the department. He would be the man in charge of a section and would be responsible for the receipt and issue of the stores, so that he would be not only a man of good education, but must know about the work of the department.

1855. But still, if you had a soldier employee who had justified promotion, he would be promoted, would he not?—He would be promoted.

1856. You mean to imply, do you, that the soldier class, as a rule, are of somewhat limited qualifications?—As a rule they have been, but in the future it may be altered.

1857. Have you formed an opinion whether or not the class of men who enter the Army now are of a somewhat superior stamp as regards education and intelligence than they used to be?—I think it is the general impression that they are.

1858. Consequently, is it not reasonable to hope that in process of time the ex-soldier will be

Chairman—continued.

as well qualified for rising in the department as anybody else?—I think so.

1859. You rather implied, I think, that for the higher appointments they would not be fit?—I was rather referring to the present figures. They have hardly had time to work up to these ranks.

1860. Your principle I understand to be to promote the best man you can get in the department without reference to whether he was a soldier or a civilian?—Exactly so.

1861. And they would have equal consideration, would they?—Yes; they would have equal chances with any other man.

Colonel *Lockwood.*

1862. Can you tell me what sort of yearly increase you have of ex-soldiers employed; it has been increasing, you say?—Yes, but I have no trustworthy statistics.

1863. Is the number of applicants very large?—Yes, very large. I am only speaking from memory, but a short time ago it was reported that at Woolwich alone there were sufficient applicants to fill up probable vacancies for 38 years to come; I think the numbers were over a thousand. I am afraid to commit myself to memory, but the number practically is unlimited.

Chairman.

1864. Have you much correspondence with commanding officers and others about placing men whom they know?—They would as a rule write to officers they knew in charge of our department, I think. They would write to the general in the district, who is responsible for the working of the Ordnance Store Department in that district, or perhaps to the senior Ordnance Store officer, or anybody that they might know.

Colonel *Lockwood.*

1865. You do not think that a man's life in the Army unfits him for places of responsibility in the department, do you?—No; I think when you get a good man it is rather an additional qualification, and of course we take the good ones as far as we can, and if they are not satisfactory they are got rid of. They have habits of discipline, for instance, which are useful.

1866. Do you find any difficulty with them as far as regards undertaking responsibility or initiative; are they slow to initiate, do you find?—One gets all kinds, but only the best are kept; those are satisfactory enough.

1867. And they have no hesitation in assuming the necessary responsibility, have they?—I have never heard of any complaint.

1868. As regards the character of the man when he comes to you, you can, as you say, see his character by the parchment certificate in the first place, and you also make inquiries, or he generally brings testimonials, does he not?—Yes.

1869. Do you find that the man generally answers up to those testimonials, or do you think they are recklessly given?—I hardly know how to answer that question. One has to weigh them a bit oneself; it depends on who gives them, for instance, a great deal. Personally I have not had much experience in that particular, but I fancy it would depend really on who gives the testimonial. It is like taking on a servant, some are good and some are bad; some testimonials you can trust and some you cannot.

Colonel *Lockwood*—continued.

1870. A man comes to you with a seven years' character, does he not?—Yes, the parchment is really quite enough; it is supposed to be a real account of his conduct.

1871. Did you hear Mr. Wilson express his opinion that he thought it might be practicable to exclude all the workmen of the Reserve from being called up?—I did not hear quite what he said about it.

1872. He said he was anxious to exclude all the men employed in his department from employment in the Reserve in case of emergency?—Quite so; I do not think that would very much matter with regard to us, because there are always applicants and we could always take men on.

1873. You do not think it is a practical suggestion, I understand?—I would not say that. They would be chiefly labourers I imagine, and a labourer can always be replaced. But it would be inconvenient in a way, because a labourer, after he has been working in a given store for a time, knows where to find things and knows the names of articles; and when they have to be taken for issue and receipt and so on, he can do the work without being overlooked by another man, whereas if you take a stranger it would be sometime before he falls into that particular sort of work. No doubt it would cause inconvenience, but you see in our case the Army Reserve men are not so very large in numbers and they are spread all over the different districts.

Mr. *Woodall.*

1874. You said of the whole number of men employed in the Ordnance Store Department, so large a proportion as 63 per cent. are ex-soldiers?—I have not worked out the percentage.

1875. And a very significant fact is that of that number two-thirds practically, that is to say, 1025 out of 1586, are pensioners?—Yes, pensioners from the Army.

1876. And a comparatively small number, up to the present time, are reservists, is that so?—Yes, only 167.

1877. Are you able to distinguish between the eligibility and efficiency of the one class and of the other comparatively?—Pensioners would be rather older men.

1878. But is there any difference in the handiness and efficiency of the young man, as compared with the older pensioner. Have you been able to observe any difference in the quality of the man who comes out after the shorter service with the colours, with the man who is more ingrained in military habits?—No; the old soldier, if you get a good one, is a man whose life has fitted him for steady work, but I should think perhaps on the whole the younger man would be the more useful all round.

1879. Do you mean merely because he is a younger man?—Because he is younger and not too much wedded to his previous form of life, as it were.

Mr. *Woodall*—continued.

1880. What the Committee has been endeavouring to ascertain is how far the military service gives any special quality, either of a kind calculated to recommend him, or how far he has suffered by his Army experience in comparison with the ordinary civilian labourer. Are you able to say whether these 1,586 retired soldiers compared favourably or unfavourably with the remaining 37 per cent. who are drawn from civil life?—I should think they compare favourably.

1881. Do you think that, supposing you were free to select men for the particular service which these men have to perform, you would go by preference to the old soldier class rather than to the civilian labourer?—I think we should.

1882. You have already said, I think, that they are chiefly employed in labourer's work?—Yes, most of them are.

1883. As porters, carriers, and so on?—Yes, skilled labour and unskilled labour; the former are called leading hands, and are employed in the packing of stores, and that kind of work.

1884. Have you any kind of record of dismissals?—No, I have not.

1885. Are you able to say from any knowledge whether the percentage of dismissals is larger or smaller in the Army class?—No, I have no figures which would answer that question before me.

1886. Are you able to say whether when the ex-soldier is taken on he becomes a permanent employee generally?—We have in each station a fixed establishment, and if he is taken on to fill a vacancy in that fixed establishment there he would remain until any alterations were made in that establishment.

1887. That does not quite answer my question. The question is whether, supposing a man finds employment under the Ordnance Store Department, he generally remains, or is he attracted away to some other employment?—He remains much more now since the rate of wages has been increased, speaking specially of Woolwich, which is the largest depôt of all. At one time the manufacturing departments paid a higher rate than we did, and consequently the men came to our establishment, and as there were vacancies and they could be taken on, they used to go to the Laboratory and other factories for the sake of obtaining the higher rate; but now that we pay the same, we do not find that that happens nearly so much.

1888. Previously to the improvement in their position to which you have referred, they were attracted, were they not, to the Docks and Gasworks, and other more fruitful kinds of employment?—Yes.

1889. But now you find, do you, that you are able to make a better selection and retain the men who satisfy your requirements?—Yes, and they are glad to stay with us.

1890. What you have said chiefly relates to Woolwich, I gather?—Yes.

1891. Can you give us what the proportion of these 2,671 men employed at Woolwich is?—Under the Commissary General at Woolwich there is a total of 1,333, but of those nine are women and 35 are boys; so that you have to deduct 44.

Mr. *Woodall*—continued.

1892. Then about half the total number find employment at Woolwich, do they?—Yes.

1893. You are including, of course, the Woolwich Dockyard?—Yes; but we do not employ many men there; it is not, as you know, now used as a dockyard. Also the inspection branch employs a certain number in addition.

1894. Have your figures included those?—Yes, about 208.

1895. Next to Woolwich, should we say that Portsmouth finds employment for a large number?—Yes; Portsmouth has a total of 187, of which 13 are boys and women.

1896. That is the number to which the service has been reduced since the separation of the naval and military stores, is it?—Yes, I am only now speaking for the land service.

1897. There are many stations throughout the country, are there not, which only find employment for a small number?—Yes.

1898. What is the smallest number that you have at any one station?—At Jersey we have only three civilian employees.

1899. Can you give us the figure at York, for example?—I have it as a district, and the total is 52 for the district.

1900. Are you able to say that the particular quality of the ex-soldier is manifested differently in places where he works with a larger number of men, and is presumably under stricter discipline, as at Woolwich, and at small stations where a larger amount of individual responsibility rests upon him?—No; I do not think I can throw any light upon that.

1901. Do you generally find in these more remote and smaller stations, that the men once employed remain so long as they give satisfaction in the discharge of their duty?—As a general rule they do.

1902. So far confirming the wisdom of the policy of their selection?—Yes.

1903. Although much the larger proportion of them are employed as labourers, porters and packers; what is the next rank of employment?—Leading hand.

1904. About what proportion of these men are leading hands, can you say?—I cannot tell you exactly, but as a rule there is one leading hand to 10 or 20 labourers. It is regulated by the different storehouses or buildings in which they are employed, as a rule.

1905. Is the leading hand a man who has been appointed to that position because of the superior character he brought from the Army or by advancement from the rank of labourer?—As a rule by advancement from the rank of labourer.

1906. And he in the main turns out a very satisfactory servant indeed, does he?—A very satisfactory servant.

1907. Do you know if any ex-soldiers are in the higher ranks in your department, such as higher clerks, or responsible storekeepers?—I have not the figures before me to enable me to say.

1908. Would they have the opportunity of rising to those higher positions?—Yes; there is nothing to prevent them if they show efficiency,

1909. Do you find that any technical knowledge which a man has had the opportunity of gaining

Mr. *Woodall*—continued.

gaining in the army is of value in your department?—Certainly.

1910. Do many men come to you with such technical knowledge?—It depends upon what branch they come from. A man from the Artillery and Engineers would have more technical knowledge of the stores he would have to handle than an Infantry man would. An Infantry man would have seen nothing more than accoutrements, rifles, and small arm ammunition, whereas an Artillery man would have better knowledge of other things.

1911. Do you find that the ex-soldier has more knowledge of those departments, having been employed in such matters as the cleaning of arms, and so on?—Yes, he has to a certain extent.

1912. But what he has learnt is probably in the department itself, is it not?—As a rule. You see the storehouses vary very much; one would contain nothing but shot and shell, another machine guns, and another accoutrements and camp equipments, so that the men pick up the information they want in that particular building. If they are shifted from one particular building to another they have to begin again and pick up the knowledge as to the contents of the new stores to which they are drafted, just as an officer would.

Chairman.

1913. You have included amongst your employees your clerical establishment, have you not?—Yes, the Civil Clerical Establishment.

1914. Then you have, I apprehend, some soldier clerks?—Yes; a large number in most districts, especially at Woolwich, in addition to the Civil Clerical Establishment.

Chairman—continued.

1915. Do you find them satisfactory clerks?—They are from our own corps, the Ordnance Store Corps; they enlist for that purpose.

1916. Then they are not ex-soldiers, are they?—No.

1917. Then your clerical establishment is a competent establishment, an effective establishment, is it?—Yes, we must have them so.

1918. Did you hear what Mr. Wilson said as to the apprehension he felt, and the difficulty arising in the event of the reserve men being called out in his department?—Yes.

1919. How does that strike you?—It would affect us less, because you see our numbers are fewer, but there is no doubt it would be inconvenient. If a man in the Reserve had made himself useful and was suddenly removed, it would be inconvenient; but it is not an insuperable difficulty; his place could be filled up. Of course, if the numbers assumed much larger proportions it would alter the case, but with the present number, only 167 spread over various districts, it would not cause us any very great inconvenience.

1920. I suppose you anticipate that ultimately the pensioned men will be very largely succeeded by Reserve men, or men who have been reservists, do you?—I should think so.

1921. Because the pensioner is almost dying out now, is he not?—Yes, I think the proportion of men who are engaged is small.

1922. Therefore a pensioner compared with a non-pensioner, would be the exception, would he?—I imagine he would.

Mr. CECIL CHAPMAN, called in; and Examined.

Chairman.

1923. YOU are, I think, by profession, a barrister-at-law?—Yes.

1924. But you are associated, are you not, with the Society for the Employment of Retired Soldiers?—Yes; I am a member of their Committee.

1925. You take, I believe, great interest in the question?—Yes. I was instrumental in starting the association.

1926. The Committee are desirous of having your opinion on the general case, and more especially if you would kindly tell them what special measures, if any, have been taken to obtain the co-operation of public departments in the purposes of your society, namely, for employing soldiers, and what suggestions you have to make for affording further impetus to the movement?—As regards the steps taken in the past, my experience is this: I think on two occasions we sent applications to all the Government Departments to ask them to set an example to employers of labour by setting aside a certain proportion of the minor appointments, such as messengerships and portorships in their gift, and that they might be applied for through our association. One of our difficulties in getting employment for these Reserve soldiers is that the first question put to us by employers is, "What does the Government do for them." Our answer has always to be, "They do not do very much, but they do what they can." It is true from the Post Office we do get considerable assistance, and from the War Office, I think, also as much assistance as we could get; but from the other departments, including, I think, the India Office, where Sir Donald Stewart was most anxious to obtain this privilege, we have been unable to get anything like a definite answer, and their replies amount really to a refusal to pledge themselves to anything. But where an opportunity occurs, and where private patronage does not require to come in, they are glad to give us the vacancy. The assistance obtained from any other department than the Post Office, War Office, and Home Office (with regard to the police) may be treated as almost nothing. Last year General Feilding and I were talking this over, because our association intended to try and get something out of the Government by a deputation, but we were dissuaded from it because General Feilding, who is responsible for the recruiting, said that he had, as an official, written to each of the Government Departments, and had

Chairman—continued.

Chairman—continued.

also sounded the persons in authority, so that he had no doubt whatever that he would get a definite and a satisfactory reply if we would put off any action on the part of our association for something like three months. We did put it off for six months, and at the end General Feilding said he had no more satisfactory reply than I had got, and so far as I know at the present moment, we are in exactly the same position as regards the Government Departments as we were. We have no more right to expect employment from them than from private employers; in fact, not so much as we have from the Great Eastern or Great Western Railway Companies, who have undertaken to give us so many vacancies a year whenever it is possible. Another point which I want rather to bring before the Committee is this. I daresay you are all aware of the number of men for whom we obtain employment, but the characteristics of that employment are not so well known. One thing to be noticed is that employers of labour do not expect to find in the soldier anything but discipline and trustworthiness; they do not expect to find in him the education of a skilled man, and the result is that soldiers are very often superior to the positions which they are obliged to take. We are only asked to find places for drivers, tramway conductors, porters, and messengers, all of which could really be obtained without any effort on the part of the soldier while he is in the ranks to improve his education or to prepare himself for a superior position. I think, certainly, from my experience, a great many young men of 26 who apply at our association are superior people, who are quite capable of taking clerkships; they might very well be employed as clerks in the tramway offices or anything of that kind; but we have no applications for such men, because it is assumed that a soldier is not an educated person.

1927. The fact is that the soldier has undergone a great change of late, has he not?—Yes, I think he has, a very marked change.

Colonel *Murray*.

1928. And employers have not yet realised that, have they?—Employers have not yet realised that. Then on the other hand, from the soldier's point of view, I think a good many of the soldiers whom I have talked to for the purpose of seeing how far they would admit of encouragement to improve themselves, have said "What is the good; we are always made into porters and messengers, and it is no use trying to prepare ourselves for anything else, because nothing else is open to us." I have thought if the Military Education Department was to be treated with more sympathy, or, at any rate, if it was more closely associated with the Civil Service Commissioners, or with our National Education Department, there might be a recognition of the military education in civil life, which would show that the two things are not antagonistic at all, and that there is not that cleavage between military life and civil life which people are so apt to assume. At present I understand

Colonel *Murray*—continued.

that the military first-class certificate is considered by the Military Education Department to be equal to the seventh standard of the National Educational Department; but that is not formally recognised by the Civil Service Commissioners or any other civilians who are responsible for examinations. It strikes me that if we could get a recognition of military education as useful for civil employment, it would have a reflex action; it would encourage the soldier to educate himself in his leisure hours while he is in the service, and at the same time it would bring to the notice of employers of labour, as well as to Government Departments, that from the ranks they may expect to get properly educated men. You want to get a belief outside that the soldier is capable of educating himself in the ranks, and you want to teach the soldier that that is what he ought to do in his own interests.

1929. That is not prominently brought before the soldier, is it, at present, until he leaves the Army?—No; not until he leaves the Army and discovers that he is adrift. One of the difficulties which I have found in going to employers of labour is this: They often say, "Do not give me an old soldier, because I know the sort of fellow he is; he has been accustomed to discipline all his life, and directly you relax discipline he indulges himself like a child rather than like a grown man;" and really that is the fact with a great many of them. Of course it is not by any means the fact as it used to be with the old soldier, but the fact that so much is done for soldiers, and they do so much by order, has a tendency to make them bad servants for general purposes, and they are distinguished from sailors in that respect.

1930. Is not the term "old soldier" misleading?—Yes.

1931. Because these men who leave the service now are neither old men or old soldiers, are they?—Quite so.

Chairman.

1932. But the public have that notion, have they not?—Yes.

Colonel *Murray*.

1933. He has been all his life under discipline, whereas now he is only under discipline seven years?—Yes. He is quite a different man from the old soldier; but even now I think some of these men are a little bit too rigid. I think it is rather the tendency of officers as well as of men to think that everything ought to be done by order, and the fact is, as a rule, these men are not taught to rely upon themselves or educate themselves in their leisure hours or to look forward to anything like independent work on their own account; they look to their officers to say what to do, when they are to do it, what they are to read, and when they are to read. If you gave them a definite object to work for, my impression is you would create a self-reliance in the soldier and an elasticity in his character which at present is certainly rather wanting in many of them.

1934. Your

Chairman.

1934. Your evidence suggests one very important consideration, which is this, that the soldier is withdrawn from civil life at the very time when a man should be learning some technical pursuit; puts him at a disadvantage, does it not?—That is so.

1935. On the other hand, the soldier, during his period of service, might have great educational advantages in the regimental schools and institutes if he were encouraged to make use of them, which would help to put him on an equality with his civil contemporary?—Yes; you have described exactly what I mean.

1936. Do you, therefore, think that the movement we are interested in now would be very much assisted if the Education Department of the Army were brought into the matter, and encouraged as far as they could to work up the soldier's education and prepare him for what is coming afterwards?—That is exactly what I think, and I think it might have a very important effect upon the character of the soldier in the ranks.

Colonel *Murray.*

1937. You mentioned in connection with education the subject of clerkships, did you not?—Yes.

1938. Do you think it would be an advantage to the soldier in after life if he had had some technical training in a trade during his service?—There is no doubt whatever about that, and there are opportunities which I suppose some soldiers do avail themselves of, such as tailors, armourers, cartmakers, and so on.

1939. Do you think there would be a considerable demand for men who have acquired some technical knowledge?—There is no difficulty in getting employment for a man who has been so trained. I think Sir Edward Walter will tell you that engineers and sailors who are so trained have no difficulty in getting employment.

1940. Do you find that many of the men who apply to you for situations from the Army and Navy have any of that technical knowledge?—A good many of them have, but you cannot describe them definitely as tailors, and so on. They have been in the tailors' department for a time, and have some small knowledge, but it is not sufficiently developed, I think. I do not think they are sufficiently prepared for the sake of their taking up the employment again.

1941. But it would be an advantage, you think, in civil life that they should have some further training, do you?—Quite so; or that the training was not merely regulated, as, for instance, in the case of a tailor, by the mere making of uniforms; there might be something else done than learning the mere routine work of the regiment. If the education went beyond and looked forward to something further it would be desirable.

Mr. *Benson.*

1942. You have said that you were often met with the question, "What is the Government doing for reserve soldiers"?—Yes.

1943. I suppose you would be only met with that question if you appeal to an employer's

Mr. *Benson*—continued.

public spirit to employ a man because he was an old soldier?—Quite so.

1944. Do you find, if you can show that a man is fit for the post he is seeking, that there is a disposition to refuse to believe in his qualifications simply because he has been in the Army?—Yes, I do. My own experience is that they think the rigidity of a soldier's discipline is not likely to make him the kind of man whom they can trust to take up a thing in emergency; he is not a man who can turn his hand to everything as a sailor or a marine can. They look upon a soldier as distinctly limited in his powers; that is my experience.

1945. I see from the annual report of your society that you account for, I think, about a third of the men who annually complete their service with the colours?—Hardly so much, I think; I think it is a fifth.

1946. At any rate, it is a very considerable proportion, is it not?—Yes.

1947. And a largely growing number, is it not?—Yes, it is.

1948. I suppose you have no means, really, of telling how many soldiers there are out of employment, have you?—No. I was talking to one, a sergeant, to-day about it, and he says that, notwithstanding all our efforts, he does not believe that half of the reserve soldiers who pass from the ranks know that there is such an association, or that there is any place by which he may be assisted to good employment. It is very curious that they have not yet recognised that, because we have been going on for some years, and certainly great efforts have been made to induce the officers to tell the men before they leave what this association will do for them, in order that they may not spend their deferred pay and come to grief before the time arrives when we can assist them. At present I do not think the Society is sufficiently known, and the result is that a great many men, who were formerly reserve soldiers, as I found by experience as an Assistant Agricultural Labour Commissioner, become agricultural labourers. Such men really drift into that employment through not knowing that they could do otherwise. I do not think they would have gone back to the position of an agricultural labourer from choice, and I believe they had taken the position from necessity.

1949. Have you any reason to suppose that there are a large number of soldiers who, on returning to civil life, ultimately fail to find any steady occupation at all?—I cannot get statistics of it, but I found in each workhouse that I visited, when I was on the Labour Commission, a certain number of old soldiers, and the workhouse masters told me that it was extremely difficult to give proper statistics, because men very often lie about what they were, and it is hardly possible to get accurate returns as to the soldiers.

1950. Do you suppose that those men are mostly old soldiers, strictly speaking?—Yes, I think they mostly are. I did find one example of a short-service man who had come to grief, and who had left the Army as a non-commissioned officer, too. It was a grievous thing. He had

Mr. *Benson*—continued.

had come to grief completely from having left with so much money in his pocket, and having taken life easily for a time and getting drunk and losing a place which he had taken. He came to grief and took to the road.

1951. While you have no reason to believe that a large number absolutely fail to get employment, you have a very strong impression, have you not, that they seldom get such good employment as they are fit for?—That is my impression; I mean to say that a great number of them drift into the lowest positions, when they deserve a higher, because they do not have the chance held out to them before they leave the ranks.

1952. As to employment under the Government, what you have been chiefly trying for, so far, is messengerships, is it not?—That is quite true; we were practically told it was no use asking for anything better.

1953. That is to say, that is the advice you got, I suppose?—Yes; that it was no use asking for the educated posts, because it was not possible for them to give them.

1954. It is the case, is it not, that the Treasury has quite lately determined to try the experiment of employing only old soldiers, or very nearly so, in their own Office?—Yes, I think that is so.

1955. As an experiment to see whether they can afterwards recommend other Departments to do the same?—I believe that is so; I cannot say that it is so from my own knowledge.

1956. Have you at all gone into the question of whether it would be possible to reserve a certain number of clerkships or writerships in the Civil Service for soldiers?—That is just one of the things which we want done, but I think it is a very difficult question, because I do not think for the soldier we can ask any privilege. All we want to do is to get rid of the disabilities which a soldier is under by reason of his age, and by reason of the fact that examinations which he does pass in the service are not recognised by the Civil Service Commissioners.

1957. But the mere fact of seeking for employment at the age of 26 is a disability, is it not?—Yes, it is. You have expressed exactly what I intended to convey, and if that disability could be got rid of I do not think men in the Army would have any doubt about being able to compete with civilians for the post; only, as you say, when they start at 26, as against a man who starts at 18, they are at a great disadvantage.

1958. Then you have not given any attention to this question of clerkships, I understand?—I have not given any attention as to rigidly allotting a certain proportion of them to the soldier. That is what we originally aimed at in regard to the unskilled employment within the patronage of the Government Departments, and if we could get that with regard to the Civil Service appointments, it would be very much better for the soldier. If he knew that there were a certain number of vacancies in the Civil Service clerkships which were reserved for soldiers who had passed a proper examination to satisfy the Civil Service Commissioners, either when in the ranks or afterwards, there would be no doubt then about the stimulating effect upon the soldier. There could not possibly be. The supply of places would at once create the demand on the part of the soldier to qualify for them.

Mr. *Benson*—continued.

1959. Is there a certain amount of reluctance on the part of heads of Departments to have old soldiers for their private messengers?—Yes, there is, and I am inclined to think that that is due, as far as I can make out, to the old system of patronage. I understand from one or two people whom I have asked, who are heads of Departments, that it is a matter of private patronage.

Chairman.

1960. Have you any suggestion to make with regard to the new class of pensioner, namely, the non commissioned officer, who in future will be the only man allowed to serve on for a pension?—Yes; I have given the matter some attention, because I find that he leaves the Army at 39, or generally 40, and 40 is a limit of age for employment in a great many places, so that the non-commissioned officer who has served for his pension, is at a greater disadvantage even than the reservist, except that he has a pension in hand. But even that pension is occasionally a disadvantage to him, because, naturally, he would be offending the rules of trades unions if he lowered the wage by taking a less wage on account of his pension, and the employer of labour would look very shyly, if it was simply for unskilled labour, at a man of 39 or 40, as compared with a younger man. It appears to me that the pensioner of 39, who has served for 21 years, and who has kept a good character, and is a man of good education, has more reason to rely upon Government than the reservists. As a matter of fact, we, as an association, have, as the honourable Member for Mid-Oxford has suggested, done a great deal towards meeting the difficulty of the reservist, but with regard to the non-commissioned officer pensioner, we are less able to find the positions which he deserves. He is not by any means old enough to be left to live on his pension, and when he goes into the labour market with his pension in his hand, it is a temptation to him to undersell the civil competitor.

1961. The fact is, I suppose, that the non-commissioned officer would be a very superior class of man to the private?—Yes.

1962. Whereas the old pensioner was simply a private, who may have gone backwards instead of forward, the new class of pensioner is quite a different man?—Just so.

1963. And the public will require time to find out that the pensioner in future is a superior man?—Yes.

Colonel *Murray.*

1964. What are the employers of labour who chiefly require soldiers and take ex-soldiers from your association?—Principally, I think, the railways and carriers and tramway companies.

1965. Do the railway authorities take many?—Yes, a good many. We get a good number of porters taken on every year by the Great Eastern and Great Western Railway Companies.

Mr. *Benson.*

1966. Do you happen to know how a first-class Army educational certificate compares in standard with the qualifying examinations of the Civil Service Commissioners for various subordinate posts?—I am told by a person who is skilled in the matter that it is quite as difficult an examination, but it is not exactly of the same character; it might be regulated, I think, to be exactly of the same character with advantage.

Mr. *Benson*—continued.

1967. To be as good as an examination for entrance into the Customs or Excise, for instance?—Yes, that is what I mean.

Captain PULTENEY, called in; and Examined.

Chairman.

1968. I BELIEVE you are in the Scots Guards, are you not?—Yes.

1969. Are you particularly interested in the society which is maintained by the Brigade of Guards for finding employment for old members of that body?—Yes, for men transferred to the Reserve and time-expired men.

1970. Will you kindly tell the Committee what is your experience on the subject, as to first of all, whether the men come to you eagerly to find employment and whether you are able to meet their wants in that respect?—Yes.

1971. When was the society first started?—In July 1891. Of course it all had to be framed and worked out, and the men were not accustomed to it at first, but in the first year, 1891, there were 117 names on the books. That number increased to 359 in the second year, and there were 228 in 1893, and there have been 118 up to the present moment this year.

1972. How far have you succeeded in finding employment for these men?—In 1891 there were 40 men, in 1892, 225, and in 1883, 143 men that we found employment for.

1973. What class of men do you try and find employment for, any men, or only those of good character?—I am sorry to say that the rules of the society are not quite in accordance with the regulations. We only take men of good characters. It is not my business, of course, to discuss the Queen's Regulations, but we only take men on the books with good characters. The Queen's Regulations say you ought to provide for men with fair characters, but on account of having the three years' system in vogue in the Brigade of Guards, I think men with fair characters put on the books would handicap and absolutely impede the work of the society both as to statistics and as to a man's application, with a fair character only, being of any value.

1974. Can you say how many men are sent to the Reserve from the Brigade yearly?—There are about 800.

1975. You send them after three years, do you?—After three years or seven years it is optional. It depends, of course, on a man's terms of enlistment; he enlists either for three years and seven with the Reserve, or for seven and five years with the Reserve, but the numbers are about equally divided; there are as many seven years' men as there are three years' men.

1976. Can a man at the end of three years go on for seven years?—Certainly, there is every encouragement given them for doing that.

1977. What is your mode of operation in distributing the men in employment?—The mode of operation is, that there is a form given out, which is similar to the Army form in use, and a man's qualifications are stated on that form. His age, his character, and his trade on enlistment are given, with general remarks of his company officer and commanding officer, the qualifications that you think that the man is fit for, and is entitled to carry out, and the employment desired by the candidate; then address, height, standard and age are given.

Chairman—continued.

1978. Then what is done with that?—It is registered in the book. If he is a candidate for the Metropolitan Police, he is referred direct to the office; if he requires a position in the country police, then on the form it is stated which part he desires to go to.

1979. Do you then enter into communication with the different departments concerned and pass on these men's characters and qualifications?—Exactly.

1980. Do you find people apply to you for men, or do you usually apply to them?—I find that, as a rule, we apply to them, except in the case of asylums.

1981. They come to you, do they, because they know they can find what they want?—There are certain asylums which do apply to us, and we generally supply them regularly with men, so many a month, if they want them. The asylums are asylums chiefly round London. There are three big asylums near Caterham, for instance.

1982. Do they change their warders often?—Yes, they do. They must, from the number of men who are sent.

1983. Is that because the men get tired of the work, do you suppose, or for what reason?—I do not know that, I am sure.

1984. Do you find in a general way that when you introduce your society to the notice of the public that they are quick to act upon it, or is there a desire expressed to utilise the ex-soldier?—I think that the working of the society in that way lately has been very satisfactory. The people we have sent men to have certainly responded, and they answer letters now in a very different spirit to what the first letters were answered.

1985. Of course, a thing of this kind takes time to make itself known, but I suppose when a man leaves your brigade with a good character he really is a good man, is he not?—Yes, I think he is. I think, if a man can resist the temptations of London, that he probably can resist anything. Say you get a countryman who comes up here, knowing nothing, he is open to every sort of temptation,

Chairman—continued.

he is taught everything that can be taught him in the way of vice, and if he can still remain and keep his time in hours under those circumstances, he certainly must be a sound man.

1986. Have you any return showing what has become of the men you have obtained employment for?—No. I had very short notice to come here; in fact, I did not get the notice till one o'clock on going to the brigade office, so that I am rather handicapped.

1987. Have you any suggestion which you could make to the Committee on the subject with a view of furthering the object of their inquiry?—I think if there is anything definite offered to a soldier in the future while he is serving under certain conditions, such as that he must have no drunken reports, must have a certain amount of education and a certain amount of service or otherwise, and no entries whatever in the defaulters' sheet, and he knew that he was qualified by that service and by that character while he was serving for a post, it would induce him to go on serving with a good character, and give him an object in view, whether he went to the Reserve or served his time. At the present moment the soldier either serves three years, seven years, 12 years, or 21 years, and he has nothing in the world before him afterwards. He has his reserve or deferred pay certainly, but beyond that he has no qualification. That is recognised on going into the Reserve or what not. He goes out into the world, straight, and he is at a great disadvantage if he is not helped in some way. I think if there were Government places under the control of the Government, or any service open to him which certain qualifications entitle him to apply for, it would give him something to look forward to.

1988. Can you say if the men have yet become fully apprized of the existence of this agency?—Yes, they certainly have.

1989. Do you undertake anything with regard to the Household Cavalry, too?—No, except for the Post Office; the Post Office I work for anybody who comes.

1990. Supposing a cavalry man wanted to get employment in the mounted police, to what society would he go?—I could not tell you; probably the National Society.

Colonel *Murray.*

1991. I understood you to say that you considered it would be an advantage if the soldier knew there would be an opening for him afterwards in civil life?—Yes.

1992. Can you say if there is anything at present stated in the soldiers' small book, his ledger, regarding his chances of employment later in civil life?—Nothing, except that these employment societies have been started.

1993. Is that in his book?—Yes, the National Association is in his book now and on his discharge papers, but that is only during the last two years.

1994. Then he is beginning, is he not, to realize that there may be an opportunity for him later in civil life, if he behaves well in the Army?—Certainly.

1995. Can you say if there is any education given in the Army to suit him in any way for civil life, besides the educational schools; has he any means of learning any trade in your brigade?—I should say certainly none beyond a very small percentage of men, such as pioneers, who are employed in engineers' work.

Colonel *Murray*—continued.

1996. But they are employed with the regiment, and not with the view to making themselves useful later in civil life, are they?—No, there are no shops or anything of the sort in barracks.

1997. Except what are actually required for the work of the brigade?—Exactly, and those duties are performed by men who have learnt the work before they joined. I think that is one of the great drawbacks to a soldier. Even after he has done his seven years, he has learnt nothing really except to obey.

1998. You mean, do you not, he has learnt only military work?—Yes.

Colonel *Lockwood.*

1999. It is the case, is it not, that there are schools of technical instruction, and workshops, in some regiments?—I believe there are; I have never seen one.

2000. I have never seen one, nor heard of one, but are you aware that it is the case?—Yes.

2001. Do you think it would be a distinct advantage that technical instruction in the way of book-keeping, or in following a trade should be given to a soldier while in the Army?—Undoubtedly.

2002. It would be possible in big garrison towns, would it not?—Yes, perfectly.

2003. And do you think that would be a distinct advantage?—Certainly, in London, especially; in the Metropolis, you would find men would go in for it. If you can give them anything to do in the barracks, you will always find them willing to do it.

2004. Any technical instruction, such as boot-making, wood-carving, or anything of that kind would be of assistance, would it not, to a man in getting employment?—Undoubtedly.

2005. Has the failure of the Post Office to employ men had much effect on your society. They do not employ so many men as they used to, do they?—I must say the Post Office have taken from us a great number of men indeed.

2006. And have they turned out satisfactorily?—Yes, very; so much so that when the thing was commencing, the Comptroller came down and saw me at the Horse Guards; we worked out a great many of the qualifications, and you will find in the Post Office, probably, a letter I wrote recommending that men should have such and such qualifications before they were recommended to the Post Office. You will find that Section 2, Form A.R., of the Post Office regulations, is framed exactly on the wording of that letter.

2007. And the Post Office, you think, have assisted you?—Undoubtedly, in every way; both in that way and when they have wanted instructors for telegraph boys they have come to us for them.

2008. Do you supply many men to the county constabularies?—We supply a certain number of

Colonel *Lockwood*—continued.

of men to the Metropolitan police always, and to some of the Scotch police forces in Ayrshire and Renfrewshire; they are very good about there and they take men almost at any time.

2009. Are the numbers of men you get for them satisfactory?—Very. Much more so than the English constabulary.

2010. Do you ever have application from the English county constabulary forces?—Not many, except from Cardiff.

2011. And they have done well, have they?—Yes; we have sent heaps of men to the constabulary in England, but the offer has always been on our side. I wish to mention one point, namely, that when men are called for as pensioners from any office with the limit of age of 40, they can only be one class of men, namely, the men with boys' service which limits the

Colonel *Lockwood*—continued

appointment altogether. There are only about two men in a battalion who are qualified.

Mr. *Benson.*

2012. For what class of posts are such men qualified?—It was with regard to the Home Office I dealt with this matter. Mr. Marjoribanks said for the Civil Service a candidate should not be over 40 years of age.

2013. What was the candidate for?—For a messenger's situation.

Colonel *Lockwood.*

2014. Is not the soldier's length of service deducted from his age of 40?—No; I had only two men on the books; they were both drum-majors, and they were not qualified for the position at all. That is quite lately. I should say in February this year.

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A P P E N D I X.

APPENDIX, No. 1.

PAPER handed in by the *Chairman*, 20th July 1894.

Dear Sir George Chesney, 39, Sloane-gardens, S.W., 17 July 1894.

At my examination to-day before your Committee, I thought that my evidence would be confined to the employment of ex-soldiers in the Post Office, so I was hardly prepared to give a concise answer to your first question as to my opinion on the general employment of men leaving the Army.

I venture, therefore, to send you my views in writing for insertion as part of my evidence, if you think well.

Yours, &c.
(signed) *George Cox*, Colonel,
Assistant Adjutant General for Recruiting,
London District.

General Sir George Chesney, K.C.B., M.P.,
President Select Committee, House of Commons.

Evidence of Colonel Cox as regards the employment of ex-soldiers by the State, in reply to Sir George Chesney's general question.

As regards the employment of ex-soldiers by the State, the following points have to be considered :—

1st. Is the average soldier as good a man as the average civilian for work requiring a moderate amount of education and fair physique ?

2ndly. Should the soldier have the preference in the offer of State employment ?

3rdly. Is it to the interests of the State to ensure the soldier employment on his leaving the Service?

4thly. What are the best means of opening out State employment to ex-soldiers ?

(1.) As regards the first consideration, I am of opinion that the soldier is quite equal to the average civilian in point of education, and as to physique, he must be superior, considering the strictness of the medical examination he undergoes and the physical training he receives whilst serving.

(2.) As to the second consideration, I should certainly say the soldier ought to have the preference for several reasons :—(1.) He has given the best years of his life, when he might have been learning a trade, to the military service of the State, in which he is willing to risk his life on the battle-field and in unhealthy climates all over the world. (2.) He binds himself to do this for a number of years. (3.) He has no fixed hours for work, for his services may be required at any hour of the day or night. (4.) He has a lower rate of pay (including even his deferred pay) than is given in any other State department. (5.) After serving seven or eight years with the colours, he is allowed 6*d.* a day for four or five years and thrown on his own resources to get a living, and a very large proportion of reservists have no trade to fall back upon. Is it not, therefore, the bounden duty of the State to look after the interests of these men ?

(3.) As regards the third consideration, it is clearly to the interests of the State to secure the ex-soldier employment, for the following reasons : (1.) In order to induce men of good character, physique and education to enlist, for the better the character and physique the less waste through desertion and invaliding ; the better the education, the better will be the non-commissioned officer ; and the better the non-commissioned officer, the more effective the Army. (2.) To obviate the necessity of increasing the pay in order to obtain recruits, and this increase of pay will not be a matter of a few pence a day, but more likely, as stated by General Feilding, the soldier's pay will have to be doubled.

(4.) As to the fourth consideration, viz., the best way of opening out State employment to ex-soldiers, I would suggest that a certain number of vacancies in the various Departments be reserved annually for the Services. In cases where a fixed standard of education is necessary, let it be determined by the Army School Certificate that the candidate holds, viz., 1st, 2nd, or 3rd class. This would induce men to obtain the certificate required for the posts they wished to get on leaving the Service. Clear regulations should be laid down as to the required conditions, viz., age, height, school certificate, length of service, &c., &c., in order to avoid disappointment to men trying to qualify for appointments for which they afterwards find they are not eligible. In laying down the age qualification, advantage should be given to the ex-soldier, since very few men leave the Service under 25, and the majority are over 27. Men should enter into civil employment as soon as possible after leaving the colours, and then their Army character should be deemed sufficient. Even very steady men find it difficult to get good references if they have been unemployed for several months. Early employment would also prevent men getting into bad habits through idleness.

39, Sloane Gardens, S.W.,
17 July 1894.

George Cox, Colonel,
Assistant Adjutant General for Recruiting,
London District.

APPENDIX, No. 2.

PAPER handed in by Mr. *H. Joyce*, 20 July 1894.

Postmaster—No. 41.

To the Officer Commanding the Regimental District at

Sir,

I HAVE to request that you will be so good as to furnish me with the name and address of a soldier who can be recommended for the situation of postman at

The particulars of the situation are as follows :—

Situation vacant - - - - - - - -

Scale of wages - - - - -

Other allowances - - - - - -

If Town or Suburban Postman.

Number of deliveries a day - - - -

Time occupied, including all duties, about hours.

If Rural Postman.

Frequency of Post, days a week.

Number of miles walked each day on week days - - - - - - - -

Number of miles walked on Sundays - -

If you are unable to supply a soldier for the situation, I shall be glad if you will at once inform me, in order that other steps may be taken to find a suitable candidate without delay.

I am &c.

Postmaster.

Dated Stamp of Office.

Postmaster—No. 69.

Sir,

I HAVE to inform you that Post Office 189 .
postman at , was * whom you recommended for the situation of on the

I am, &c.

The Commanding Officer, Regimental District.

* State whether appointed or rejected on ground of age, health, education, or character.

ALPHABETICAL LIST of Regimental Districts, &c., in the United Kingdom.

Headquarters.	No.	Headquarters.	No.
Aberdeen - - - - - - - -	75	Birmingham, Recruiting Officer - -	Royal Marines.
Armagh - - - - - - - -	87		
Ashton-under-Lyne - - - - -	63	Birr - - - - - - - - -	100
Ayr - - - - - - - - -	21	Bodmin - - - - - - - -	32
Bedford - - - - - - - -	16	Brecon - - - - - - - -	24
Belfast - - - - - - - -	83	Bristol - - - - - - - -	28
Berwick-on-Tweed - - - - -	25	„ Recruiting Officer - - -	Royal Marines.
Beverley - - - - - - - -	15		

Alphabetical List of Regimental Districts, &c., in the United Kingdom—*continued.*

Headquarters.	No.
Burnley	30
Bury	20
Bury St. Edmunds	12
Cambridge, Recruiting Officer	Royal Marines.
Canterbury	3
Cardiff	41
Carlisle	34
Chatham, Recruiting Officer	Royal Marines.
Chester	22
Chichester	35
Clonmel	18
Derby	45
„ Recruiting Officer	Royal Marines.
Devizes	62
Dorchester	39
Dublin, Assistant Adjutant General for Recruiting, Linen Hall Barracks.	—
Edinburgh, Recruiting Officer	Royal Marines.
Exeter	11
„ Recruiting Officer	Royal Marines.
Fort George	72
Galway	88
Glasgow, Recruiting Officer	Royal Marines.
Glencorse	1
Gosport, Discharge Depôt	—
Guernsey, Deputy Assistant Adjutant General.	—
Guildford	2
Halifax	33
Hamilton	26, 71
Hounslow	7, 57
Hull, Recruiting Officer	Royal Marines.
Inverness	79
Jersey Deputy Assistant Adjutant General	—
Kingston-on-Thames	31
Lancaster	4
Leicester	17
Lichfield	38, 64
Lincoln	10
London, Guards Employment Society, Whitehall.	—
London, Assistant Adjutant General for Recruiting, St. George's Barracks, Charing Cross.	—
London, Deputy Assistant Adjutant General, Royal Marines, 22, Spring-gardens, S.W.	—
London, Officer Commanding Seventh Regimental District (Royal Fusiliers), City-road Barracks, Finsbury.	—
Liverpool, Staff Captain for Recruiting, Rupert-lane Barracks.	—
Liverpool, Recruiting Officer	Royal Marines.
Maidstone	50
Naas	102
Newcastle	5, 68
Northampton	48
Norwich	9
Omagh	27
Oxford	43
Perth	42
Plymouth, Recruiting Officer	Royal Marines.
Pontefract	51, 65
Portsmouth, Recruiting Officer	Royal Marines.
Preston	47
Reading	49
Richmond	19
Salisbury, Recruiting Officer	Royal Marines.
Shrewsbury	53
Stirling	91
Taunton	13
Tralee	101
Walmer, Recruiting Officer	Royal Marines.
Warley	44
Warrington	8, 40
Warwick	6
Winchester	37 Rifle Depôt.
Woolwich, Officer Commanding Garrison Artillery.	—
Worcester	29
Wrexham	23
York	14

APPENDIX, No. 3.

PAPER handed in by Dr. *Wm. Anderson*, 31 July 1894.

NUMBER of Applicants whose Names have been recorded in the Years 1892 and 1893 as Candidates for Employment in the Royal Ordnance Factories, and who have formerly served in the Army, Navy, or Royal Marines.

Year.	Number of Applicants from			Total.
	Army.	Navy.	Royal Marines.	
1892	449	7	6	462
1893	510	28	10	548

There are, in addition, an unknown number of applications of a private nature to superintendents, managers, and foremen, generally through influential people.

W. Anderson, D.G.O.F.

STATEMENT showing Number of Pensioners, Reserve Men, and Discharged Soldiers employed in the Royal Ordnance Factories on 31st December 1891, 30th November 1892, and 31st March 1894.

Department.	31st December 1891.			30th November 1892.			31st March 1894.		
	Pensioners.	Reserve Men.	Discharged Soldiers.	Pensioners.	Reserve Men.	Discharged Soldiers.	Pensioners.	Reserve Men.	Discharged Soldiers.
Central Office and Stores	28	4	20	30	4	20	37	4	26
Royal Laboratory	248	80	137	265	101	155	256	105	160
Royal Carriage Department	84	28	46	78	22	43	107	25	92
Royal Gun Factory	129	18	say 98*	130	21	say 100*	129	26	103
Building Works Department	No record			96	34	55	87	28	56
Royal Small Arms Factory, Enfield.	68	25	88	67	24	87	59	8	80
Royal Gunpowder Factory, Waltham.	10	20	16	11	27	18	11	24	27
Royal Small Arms Factory, Birmingham.	No record			26	50	24	15	18	18
	567	175	405	703	283	502	701	238	562
Total	1,147			1,488			1,501		

* These numbers are estimated, no record having been kept at the time by the Royal Gun Factory of discharged soldiers, who are neither pensioners nor reserve men.

APPENDIX, No. 4.

PAPER handed in by Major *Crutchley*, 31 July 1894.

NUMBER of Pensioners, Reservists, and Ex-Soldiers employed in the War Office (July 1894).

Pensioners	100
Reservists	—
Ex-Soldiers	7
TOTAL	107

They are employed as follows :—

Pensioners.		Ex-Soldiers.	
Technical Assistant to Surveyor	1	Second Division Clerk	1
Pensioner Clerk	1	Queen's Messengers	3
Office Keeper	1	Established Messengers	3
Queen's Messenger	1		
Established Messengers	24		
Established Woolwich Messenger	1		
Pattern Room Keeper	1		
Commissionaires (Temporary Messengers)	3		
Temporary Messengers	66		
Coal Porter and Cleaner	1		
	100		7

APPENDIX, No. 5.

PAPER handed in by Major *Crutchley*, 31 July 1894.

SOLDIERS employed as Clerks in the War Office.

	Warrant Officers.	Non-commissioned Officers.	Temporary Clerks.
A. G. - - - - - - - - - - 1	—	3	—
A. G. - - - - - - - - - - 2	—	3	—
A. G. - - - - - - - - - - 4	—	2	—
A. G. - - - - - - - - - - 5	6	16	2
A. G. - - - - - - - - - - 6	5	6	4
A. G. - - - - - - - - - - 7	1	1	—
Q. M. G. - - - - - - - - - - 1	—	2	—
Q. M. G. - - - - - - - - - - 3	1	1	—
Q. M. G. - - - - - - - - - - 4	—	3	—
Q. M. G. - - - - - - - - - - 6	3	5	—
I. G. F. - - - - - - - - - - —	2	4	4
Military Intelligence Division - - - - - - —	3	11	—
Division of Artillery - - - - - - - —	6	7	—
Medical Division - - - - - - - - —	3	13	—
Financial Secretary's Division :			
F. - - - - - - - - - - 13	—	4	—
F. (Woolwich) - - - - - - - - 13	5	—	—
Military Education Division - - - - - - —	2	7	—
A. V. D. - - - - - - - - - - —	1	1	—
TOTALS - - -	38	89	10
		137	

APPENDIX, No. 6.

PAPER handed in by Mr. *G. E. Y. Gleadowe*, C.M.G., 31 July 1894.

(1.)

MESSENGERS, &c.—REPORT OF TREASURY COMMITTEE OF 1893.

To the Lords Commissioners of Her Majesty's Treasury.

MY LORDS,—We have the honour to report that in accordance with the instructions conveyed to us by your Lordship's Minute of the 26th November 1891, we have considered the various questions referred to us therein respecting the conditions of service and remuneration of office-keepers and housekeepers, messengers, attendants, and porters in public departments.

In order to be in possession of full information upon these points, we addressed a circular to the several departments, asking for particulars relative thereto; and we append a printed copy of the detailed statements furnished to us.

We also obtained from the Admiralty, War Office, and Metropolitan and City Police Offices information as to the pensioners available for civil employment.

We now beg leave to state to your Lordships the conclusions at which we have arrived respecting the several classes of persons specified in the Treasury Minute, viz.:—

1.—Office-keepers and housekeepers.
2.—Messengers.
3.—Attendants other than ordinary messengers.
4.—Porters, &c.

1. The duties of office-keepers and housekeepers in the different departments vary so widely in nature and amount that we do not see our way to propose any fixed scale of salary for the whole class. Their appointment, as your Lordships are aware, is by nomination, subject to a qualifying examination, the limits of age on first appointment varying in the different offices. As regards holidays and sick-leave, no special regulations appear to have been made for this class of persons, the head of each department being left free to settle the amount of leave to be granted to his own staff, subject, in the case of sick-leave, to the general rule applying to all civil servants, viz., that not more than six months leave on full pay, followed by six months on half-pay, shall be allowed without special reference to the Treasury. We find that the amount of ordinary leave allowed to office-keepers varies from three to five weeks in the year. There seems to be no sufficient reason for this variation; and we would suggest that the length of time to be allowed should in all cases be four weeks, or 24 working days. With this exception we do not recommend any alteration of the present regulations affecting office-keepers and housekeepers. These regulations appear to us to be unobjectionable in themselves, and we venture to doubt the expediency of attempting to organise this branch of the public service on principles of uniformity such as those which have been applied to the clerical establishments of the State by recent Orders in Council.

Before leaving the subject of office-keepers we may perhaps mention that we are informed that in certain departments, as, for example, the Charity Commission and the Bankruptcy Offices, it has been found possible to dispense with a resident office-keeper, thereby setting free additional rooms for official purposes; and we recommend that this course should be followed where the circumstances admit of it.

We may add that it has been represented to us that there is a class of army pensioners, viz., retired warrant officers, who would be specially suitable for employment as office-keepers.

2. We come next to the class of messengers employed in the public offices, viz.: persons engaged in carrying letters and papers from one room to another, conveying despatch-boxes and delivering letters outside the office, showing visitors into the office, answering bells, and waiting upon the staff generally. We are of opinion that this class might with advantage be recruited from pensioners who have served in the navy (including the marines), the army, and the police. This course was recommended by a Select Committee of the House of Commons in 1877, and was further urged by a Committee (consisting of Mr. Shaw Lefevre, Mr. C. C. Cotes, Sir Ralph Thompson, and Mr. Swainson) appointed by the Treasury to inquire into the same subject in 1882. The system in question has been adopted by two of the departments which employ the largest number of messengers, viz., the War Office and the Admiralty, vacancies in the former having been filled exclusively by pensioners since 1879, and in the latter since 1881. We understand that the plan has worked successfully in both these offices, and we recommend its extension to other departments as vacancies occur in the staff of messengers employed by them. We have reason to believe, from the inquiries made by us, that there is a large supply of pensioners from the three services mentioned, as well as army reserve men, who are well qualified for, and desirous of obtaining, posts as messengers in the public offices; and we need not enlarge upon the desirability of encouraging persons to join the army, navy, and police by holding out to deserving men the prospect of subsequent civil employment by the State.

We understand that lists of pensioners qualified for civil employment are kept at the Admiralty, the War Office, and the Metropolitan Police Office, where heads of departments might, should they see fit, apply for such messengers as they may require.

The pay of the pensioner messengers employed in the Admiralty is at the rate of 18*s.* a week, rising by 1*s.* to 21*s.*, and in six cases to 24*s.* a week: in the War Office 18*s.*, rising after two years' service to 21*s.* a week, while a certain number, not exceeding thirty in all, will, as vacancies on the establishment are absorbed, be eligible for pay at 24*s.* a week. As there are obvious objections to different rates of wages in different departments, we would

suggest that the pay of these pensioner-messengers wherever employed should commence at the uniform rate of 21*s.* a week, rising after a period of probation to 24*s.* a week.

We have not been able to agree to any recommendation as to the position of pensioner-messengers with regard to superannuation, *i.e.*, to advise definitely whether they should be permanent civil servants, entitled on retirement to civil in addition to military, naval, or police pension, or whether, as is the case at the Admiralty and War Office, they should be engaged on strictly temporary terms, and entitled on discharge only to the gratuities allowed in such cases after fifteen years' service by the Superannuation Act of 1887.

The Royal Commission on Civil Establishments, in their Second Report, p. x, sections 78-83, after discussing the arguments for and against superannuation, declared themselves to be "unhesitatingly of opinion that the public interest would he best consulted by maintaining a system of superannuation allowances," and to some of us it seems that this conclusion is no less applicable to messengers and attendants than to the higher grades of the Civil Service.

The Royal Commissioners refer to "the growing practice of railway companies, banks, and other large commercial undertakings, to establish systems of superannuation;" and we understand that recently steps have been taken to provide pensions for elementary school teachers, though these latter are only servants of the State in a secondary sense, being engaged, paid, and dismissible by school boards and the managers of voluntary schools.

"The payment of a lump sum" in lieu of a superannuation allowance is considered by the Royal Commissioners as "open to the obvious objection that in the event of improvidence in the use of it the retired public servant may be reduced to circumstances which might lead to his being an applicant for public or private charity. This would, as pointed out by Sir James Graham in his evidence before the Commission of 1856, be most undesirable from every point of view."

For these reasons it may be questioned whether the employment of army and navy pensioners who would be discharged after fifteen years' service in a civil department with a lump sum, but no addition to their army and navy pensions—pensions in many cases insufficient to support them—would be likely to be a satisfactory or lasting arrangement. The army or navy pension has been earned by a distinct and separate service, now concluded; and it might, it is thought, be looked upon as unjustifiable on the part of the State to take advantage of it to get the services of these men on lower terms than they would otherwise command.

Further, it might appear undesirable that a public office should employ, as for many years they would be obliged to do, pending the extinction of the present staff of messengers, two classes of men doing almost precisely the same kind of work, with the same responsibilities, the one class termed "established" and the other "temporary" (though "temporary" in this case would in no way mean "casual"), the one class entitled to receive on retirement a superannuation allowance and the other a small gratuity.

There seems reason to fear that this state of things would produce jealousy and discontent; more especially if it appeared that the only difference between the established man and the temporary man lay in the fact that the former had passed a very simple examination by the Civil Service Commissioners, which the latter could also probably pass if he were afforded the opportunity of trying.

It may be said that the experiment already tried by the Admiralty and the War Office is sufficient to show that these fears are groundless; and that the men are anxious to obtain the situations on the terms offered, which give no claim to superannuation. It must, however, be remembered that the Admiralty has the power of awarding Greenwich Hospital pensions to deserving men in addition to their ordinary naval pensions; that the experiment has not been tried for long at either office, not long enough in fact to afford experience of the results of discharging a large number of men without pensions for their civil service; and that it is one thing to have a large number of applicants for posts, however moderately paid, and quite another that the persons appointed shall be satisfied with their position and be without a reasonable grievance when they have held the posts for a few years.

Looking at the case from this point of view, there appears to be ground for apprehending that when, after a time, the public service contained a considerable body of these men, and a number retired with only the small annuities derived from pensions for naval, military, or police service, an agitation for pensions could easily be organised and would be very difficult to resist; and, if so, it would be unwise to make arrangements which would sooner or later result in an organisation to redress what on the face of it would be, to say the least, a plausible grievance.

The above considerations have led some of us to think that the pensioners whose employment we recommend should be entitled to superannuation on the usual terms in respect of their service as messengers. No pension would, of course, be payable for any period short of ten years; and from the age at which they would be appointed it would follow that the amount of pension would in most cases be small.

To others of us it appears that there is no sufficient reason for setting aside a system, viz., that of non-pensionable service, which has been deliberately adopted by the two departments most closely interested in the welfare of soldiers and sailors, and most intimately acquainted with their circumstances. It is no doubt true that in neither department has the system been in force for a time sufficient to afford a conclusive experience on the point at issue; but it has at least prevailed long enough to suggest doubts, if it were defective in such an important particular; and neither in the War Office not in the Admiralty are any such doubts entertained.

Moreover to those who are of opinion that civil superannuation is not necessary in these cases, it seems that the assured possession of naval and military pensions is a most important consideration. These pensions will probably range from 20*l.* to 40*l.* per annum in the great majority of cases, and pensions of these amounts are sufficient, in a class where pensions are rare, to meet the more urgent needs of old age.

Further it seems that there are not the same arguments for giving pensions to men whose service begins in middle life as there are for giving pensions to those who spend their whole life in a service.

Having been unable to reconcile the divergent views which prevail among us, we refrain from expressing any conclusion on the question of superannuation. It is one of general policy, and cannot be fully considered without reference to its bearing on other branches of the public service than the one immediately before us. We have, therefore, the less hesitation in leaving it for decision by your Lordships.

The question of the holidays and sick leave to be allowed to pensioner-messengers must depend upon the terms on which they may be appointed. Established messengers are at present in a similar position in these matters to that of office-keepers, as described above, except that the annual leave of the former varies from 14 to 28 days in the year, the most usual amount being three weeks. This length of time (viz., three weeks or eighteen working days) appears to us to be sufficient; and we recommend that it be allowed in future to all established messengers, whether pensioners or civilians. We have no change to suggest in the present arrangements as to the sick leave of this class.

Unestablished

Unestablished or temporary messengers, on the other hand, fall under the rules which have been laid down for all persons employed by the State in a temporary capacity, viz. :—

(1.) Holidays not to exceed 12 days in the year.
(2.) Holidays and sick leave together not to exceed 28 days in the year.
(3.) Three-quarters of pay only to be received during sick leave.

We see no necessity for making any exception to these rules in the case of any present or future pensioner-messengers engaged on a temporary footing, except that we would recommend that in cases of severe illness, verified by medical certificate, the head of the department should be allowed to extend, if he think fit, the period of sick leave, on three-quarters pay, in any one year, so long as by such extension the total amount of sick leave granted during service does not exceed an aggregate of 16 days for each year of service.

The above recommendation as to the employment of pensioners is intended to apply generally to the messengers in public departments, subject to the following exceptions :—

(1.) We think that in the more important offices where there is messenger's work of a special character for which the head of a department may not consider it probable that a suitable pensioner could be obtained, he should not be restricted to the exclusive employment of pensioners, and that it will therefore be advisable to leave a certain number of messengerships open to civilians.*
A uniform scale of pay could not, we think, be assigned to this higher grade of messengers. The salary must in each case be proportioned to the nature and amount of the work which the man has to perform.
(2.) In the case of the messengers in the General Post Office, who are usually selected from sorters, postmen, porters, &c. within the service, we do not think it necessary to recommend that this method of appointment should be superseded by the engagement as messengers of pensioners from outside the Post Office.
(3.) We do not desire to exclude the employment of boy-messengers, of whom there appear to be about 120 at present in the service, and who are said to have been found very useful.
(4.) We see no objection to the employment of commissionaires, if the head of a department should prefer that course.

We think that it would be desirable, with a view both to the convenience of visitors to public offices and to the effectual maintenance of discipline generally, that all messengers should be supplied with and required to wear a uniform. Some dress of a simple and inexpensive kind would probably be sufficient.

3. We come next to certain classes of persons whose duties are different in kind from those of the ordinary messenger, and whom it will be convenient to group together for the purposes of this Report under the name of attendants. We include in this group the attendants at the British Museum and the Museums of the Science and Art Department, the messengers and "packers and tellers" forming part of the subordinate staff of the Mint, the persons classed as messengers in the Patent Office, the "workmen" in the Record Office, and the "porters" in the Stationery Office. It will appear, we think, from the following brief statement that the duties of the above classes could not in all cases be satisfactorily performed, like those of ordinary messengers, by pensioners from the army, navy, or police.

Of the attendants at the British Museum a very large proportion, both at Bloomsbury and at the Natural History Museum, are employed in duties of a more or less technical character, varying with the work of the several departments in which they are engaged. They assist in arranging, mounting, cleaning, and repairing the collections; in finding objects for students ; in keeping up registers ; and in discharging various duties of a minor kind. In the libraries and reading-rooms a large number of men are employed in searching the catalogues, and in finding and delivering with despatch, and afterwards in replacing, the books asked for by readers. Such duties require a certain amount of special training, which would be lacking in men who came to the work late in life. The duty of warding the galleries, which formerly devolved upon the attendants, is being gradually transferred to police constables and commissionaires. The two messengers and four assistant-messengers at Bloomsbury and the Natural History Museum occupy official apartments, and might with more propriety be called office-keepers or housekeepers. They do not, therefore, come within the recommendations with regard to messengers proper made in the earlier part of this Report.

The duties of the attendants in the establishments of the Science and Art Department, like those of the British Museum attendants, are to a large extent of a technical character, and therefore in most cases require qualifications not generally to be found in pensioners. Moreover, in this department, a system of payment by the hour prevails as regards both messengers and attendants, which would be an additional difficulty in the way of introducing pensioner-messengers or attendants, paid at the fixed rate which we have recommended. We understand, however, that some 28 pensioned police constables are already employed as attendants in the South Kensington and Bethnal Green Museums ; and it is possible that their number might be increased.

The messengers and "packers and tellers" employed in the Royal Mint, besides performing ordinary messengers' duties, are liable to be called upon in times of pressure to help in any work connected with the issue of coin, &c. in which their assistance may be required. It was accordingly arranged in November last, in order to provide in a convenient manner for their remuneration under such circumstances, that each messenger should receive, in addition to his fixed weekly wages, an amount varying in proportion to the actual quantity of coin issued during the week. As part of the work is thus of a technical character, pensioners would not, as a rule, be suitable for employment, whilst the mode of payment above described also renders the case of this department an exceptional one.

The persons classed as messengers in the Patent Office, include, besides ordinary messengers, library and strong-room attendants, warehousemen, sorters, a stamper, a design-sealer, &c., thus forming a special class, largely employed upon work requiring special knowledge.

The "workmen" in the Record Office, who include messengers and attendants, are in many cases employed upon duties requiring special knowledge and skill.

The "porters" in the Stationery Office likewise occupy a somewhat exceptional position in the Government service. The warehouses in which they are employed rather resemble wholesale stores than an ordinary public department ; and their scale of wages is framed with reference to the special nature of their work.

In these departments we think that the best system of recruitment would be by the engagement, where practicable, of lads as apprentices, with subsequent promotion of the efficient and deserving to adult posts.

* We understand that in the Admiralty, on the adoption in 1881 of the pensioner-messenger system, it was decided that, after the existing list of established messengers was exhausted, the only established appointments should be those of two head-messengers and office-keepers and two hall-porters, all the remaining staff being pensioner-messengers borne on the non-established list ; while in the War Office it has been arranged that the future normal number of established messengers shall be 12, as against 96 temporary men.

The duties of these posts are in some cases analogous to those of mechanics, in other cases more of a clerical nature; and in fixing scales of pay we think that the rates prevailing in the open market for mechanics or for clerical employment, respectively, as the case may be, should be taken as the standard.

4. We think that posts such as those of Gate-keepers, Hall-porters, and Fire-lighters should, if possible, be filled by pensioners.

We desire especially to draw attention to the recommendation of Mr. Shaw Lefevre's Committee, to which reference has already been made, that the porters employed under the Post Office should be appointed exclusively from the list of pensioners. We understand that of these porters, who number above 500, at present about 60 are pensioners.

We would finally make the two following recommendations :—

(1.) That all office-keepers and messengers should be held liable, as we believe is already the case in most departments, to give a daily attendance for such a number of hours as the business of the office may require.

(2.) That all the situations referred to in this Report should be formally brought under the rule as regards retirement already applied by Order in Council to the higher grades of the Civil Service, viz., that it shall be competent for the head of the Department to call upon any employee to retire at the age of 60, and that retirement shall be compulsory at the age of 65.

We have, &c.,

C. W. Fremantle.
Henry G. Calcraft.
J. F. D. Donnelly,
Major-General.
E. Maunde Thompson.
H. W. Primrose.

C. Ll. Davies, Secretary.
3 May 1893.

(2.)

REPORT OF TREASURY COMMITTEE OF 1883.

To the Right Honourable the Lords Commissioners of Her Majesty's Treasury.

MY LORDS,—We beg leave to report that we have considered the question of the employment of Army and Navy pensioners in the out-door and non-clerical branches of the Civil Service referred to us by your Lordships on the 4th of July last.

The result of our inquiry has been to show that the only situations for which pensioners would be eligible are those of messengers, park and other constables, warders, labourers, and porters.

Messengers.—We addressed an inquiry to each of the public Departments, stating the object of our appointment and pointing out that the evidence laid before the Select Committee of the House of Commons on this subject, and confirmed by the representatives of the War Office and Admiralty on our Committee, showed that the employment of Army and Navy pensioners as messengers in those Departments had been eminently successful, and would ultimately result in a considerable reduction in the amount of Civil pensions payable in respect of such appointments. Before, however, recommending the extension of this system, we desired to be informed whether there was any reason why it should not be adopted in the various public offices. In reply to this inquiry a large number of the Departments expressed themselves favourable to the employment of pensioners. We append (A.) extracts from some of the replies received in this sense. In no case was an opinion expressed absolutely adverse to the system, though in several instances reasons were given why it could not be adopted (*See* Appendix B). The remaining Departments either leave the question unanswered, or state that, in the absence of experience, they are unable to express an opinion on the subject.

Vacancies at the Admiralty have been exclusively filled by pensioners since February 1881, and at the War Office since 1879. The report of both those Departments as to their conduct and efficiency is entirely favourable, and is very important, inasmuch as they employ together more than a third of the whole body of messengers in the Civil Service.

It will be seen, therefore, that the evidence which we have had before us furnishes every ground for the belief that thoroughly efficient messengers could be obtained from the class of pensioners.

Constables.—Three-fourths of the total number of constables in the service are employed in the Royal Parks, and since the year 1877 this body has been recruited exclusively from the class of pensioners. The Commissioners of Works report most favourably of their conduct and efficiency; the posts are much valued by the men, and we see no reason why the system adopted by the Office of Works in pursuance of the recommendation contained in the Report of the Select Committee of the House of Commons (Session 1877) should not be extended to the other Departments employing constables. These are the Customs, the Office of Woods, and the Board of Works (Ireland).

Warders.—In the Convict Service preference is already given to old soldiers, and they form the majority of the warders now actually employed. It does not appear to be desirable, however, to limit the field of selection, and we do not recommend that any alteration should be made in the existing mode of appointment.

Labourers and Porters.—More than 600 labourers and porters are borne on the Estimates, nearly the whole of whom are employed at the British Museum (63), the Science and Art Department (80), the Stationery Office (75), and the Post Office (335), at wages of from 18*s.* to 30*s.* per week. Many pensioners are already employed in this capacity, but except in the case of the Post Office, we do not think that the selection could be restricted to them without risk of inconvenience to the Public Service, inasmuch as we find that the men are frequently chosen for this temporary employment on account of special qualifications for the work which they are required to perform. We think, however, that those Departments might be requested to appoint pensioners in cases where no such qualification is necessary, and that the porters and labourers at the Post Office might be supplied exclusively from the list of pensioners.

If, as we believe, the prospect of obtaining permanent Civil employment as the reward of good service in the Army and Navy would tend to increase the popularity of the Services, and to be an encouragement and incitement to good conduct, we would strongly urge that effect should at once be given to the recommendation contained in

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the 11th paragraph of the Report of the Select Committee of 1877 as to messengers, and that the selection of these and of the other classes above mentioned should be made exclusively from men who have served in the Army and Navy.

We are, &c.

(signed) *G. Shaw Lefevre.*
Charles C. Cotes.
Ralph Thompson.
E. N. Swainson.

5 April 1883.

APPENDIX A.

Customs.—Pensioners could be employed as messengers, watchmen, and constables.

Exchequer and Audit Office.—The Army and Navy pensioners employed are found to be highly efficient and deserving men.

Foreign Office.—Home-service messengers might advantageously be recruited from the class of pensioners.

General Register Office.—The situation of porter (equivalent to messenger) might be filled by pensioners.

General Register Office, Scotland.—The Registrar General sees no reason why the office of messenger should not be filled by pensioners; he has always been in favour of such an arrangement.

Inland Revenue.—The situation of messenger, door-keeper, and coal porter might all be well filled by properly qualified pensioners.

The Paymaster General has no objection to the system.

The Local Government Board, Dublin, are not aware of any reason why the system of employing retired soldiers and sailors as messengers and fire-lighters in their departments should not be adopted.

The Post Office.—There will be no objection to the situation of porter and labourer in this Department being filled by Army and Navy pensioners.

Education Department.—There would be no objection to employ any Army or Navy pensioners as messengers.

National Debt Office.—There can be no objection in principle to the employment of pensioners as messengers, provided they have the same qualifications for the post as other men.

Office of Woods.—The office of messenger, gatekeeper, constable and office-keeper might be properly filled by Army and Navy pensioners of good character.

Public Works Loan Board think it possible that Army and Navy pensioners would afford as good a staff of messengers as those at present employed; but the Board consider that they should have full power of selection and dismissal, as at present, of messengers, even if the class of Army and Navy pensioners be that from which messengers are to be selected.

The Science and Art Department sees no objection to the extension of the system of employing Army and Navy pensioners as messengers in Public Offices. My Lords, however, are of opinion that it would not be advisable, or indeed possible, to confine themselves entirely to employing pensioners. In many branches of that Department younger men are wanted, and a certain number of them must have an acquaintance with scaffolding and other trades.

Office of Public Works, Ireland.—The Commissioners see no reason why the system of employing retired soldiers and sailors should not be adopted in that Department.

APPENDIX B.

Colonial Office.—Looking to the age of pensioners and to their previous training, the Secretary of State would not pledge himself to their employment in the Colonial Office.

Civil Service Commission.—Pensioners are eligible equally with others to offer themselves for examination, but the Commissioners do not think it possible that the selection should be limited to such persons.

Post Office.—Messengerships must be retained to reward meritorious services; all vacancies had hitherto been filled by persons already in the service.

Home Office.—The Secretary of State thinks no absolutely strict line should be drawn as to the class from which messengers should be selected. If, however, he gave a preference to any class, it would be in favour of members of the Metropolitan Police Force, who have a special claim upon the consideration of the Home Secretary.

(3.)

TREASURY MINUTE, dated 17th February 1894.

MY Lords read the Report of the Treasury Committee appointed by Minute of the 26th November 1891 to consider the conditions of service and remuneration of office-keepers and housekeepers, messengers, attendants and porters in Public Departments.

The Committee divide the Report under the following heads:—

1. Office-keepers and housekeepers.
2. Messengers.
3. Attendants other than ordinary messengers.
4. Porters, &c

1.—*Office-keepers.*

The Committee find that the duties of office-keepers and housekeepers vary so widely in nature and amount, that they do not propose any rate of salary applicable to the whole class, nor do they propose any alteration in the present practice affecting the class, except that the length of leave should be uniform.

The Committee mention that in certain Departments, *e.g.*, the Charity Commission and the Bankruptcy Offices, it has been found possible to dispense with a *resident* office-keeper, and they recommend that this course should be followed where the circumstances admit of it. Further, it has been represented to them that retired Warrant Officers would be specially suitable for employment as office-keepers.

My Lords entirely agree with the Committee in deprecating any attempt to make office-keepers a separate class of State employés, receiving a uniform scale of pay. They see, however, no objection to the recommendation that the vacation of office-keepers and housekeepers should be fixed at one month, that is, twenty-four working days.

My Lords will ask Heads of Departments to consider and state whether they consider a resident office-keeper necessary.

They note the recommendation as to Warrant Officers, but at present they prefer to gain more experience of the service of navy and army pensioners as ordinary messengers.

2.—*Messengers.*

My Lords have under separate consideration the question of the employment on temporary service of navy and army pensioners as messengers in Public Offices, a course recommended by Sir C. Fremantle's Committee ; it is not, therefore, necessary in the present Minute to refer to that part of the Committee's Report.

My Lords consider that the holiday of established messengers should be limited to twelve working days, exclusive of public holidays, during the first five years of service, and eighteen working days, exclusive of public holidays, afterwards. They agree with the Committee that it is not desirable to assign a uniform scale of pay to the class of established civilian messengers, which will be reduced as the employment of pensioners is extended.

My Lords agree also with the Committee that it is not desirable to change the present system of selecting messengers in the Post Office from sorters, postmen, porters, and other men already in the service of that great Department. Lastly, they wish to leave all reasonable discretion to the Heads of Departments. They, therefore, agree with the Committee that Departments should be at liberty if they please to employ either commissionaires or boy messengers, if the authorities of a Department prefer that class of labour.

3.—*Attendants other than ordinary Messengers.*

There is much work of a technical character intrusted to attendants employed at the British Museum, the Science and Art Department, the Mint, the Patent Office, the Record Office, and the Stationery Office.

My Lords are not prepared to contest the opinion of the Committee that pensioners are not fitted for such duties. The conditions of service required from the attendant staff employed in these offices must be arranged as occasion offers, in correspondence between the Treasury and the Departments concerned.

4.—*Porters, Gate-keepers, Firelighters.*

The Committee suggest that these posts should be filled by pensioners. They add a recommendation that porters employed under the Post Office should be appointed exclusively from the list of pensioners.

My Lords will recommend these suggestions to the notice of the Departments. They will be prepared in offices connected with the Treasury to approve the selection of pensioners for employment as porters or in posts of a like character, if they should find that heads of offices are willing to try the experiment, and that the experiment proves successful.

Lastly, the Committee recommend :—

1. That all office-keepers and messengers should be held liable to give a daily attendance for such a number of hours as the business of the office may require ; and

2. That all the situations to which the Report refers should be made subject to the ordinary rules of the Civil Service, which make retirement at 65 compulsory, and which enable the Head of a Department to require a man to retire at the age of 60.

As regards the first of these recommendations, my Lords are enforcing it, as and wherever opportunity occurs. They will ascertain whether there are any Departments to which it does not as yet apply.

As regards the second recommendation, my Lords propose at an early date to apply the Rule of compulsory retirement at 65 to the lower branches of the Public Service, as it has already been applied to the higher branches. It is, of course, competent to Heads of Departments to retire office-keepers and messengers at 60, upon the same principle that higher officers can be retired at that age. The power, however, is, and ought to be, exercised with great discretion, as retirement before the age of 65 may be hard upon the individual, as it is, without doubt, expensive to the State. Retirement before 65 ought, in fact, only to be applied in order to facilitate reduction of staff, or to remove a man who is admittedly inefficient.

(4.)

CIRCULAR LETTER FROM THE TREASURY TO THE DEPARTMENTS ENCLOSING COPIES OF No. (3).

Treasury Chambers, 1 March 1894.

I AM directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you herewith for information a copy of the Report of the Committee, presided over by Sir Charles Fremantle, on the condition of service and remuneration of office-keepers, messengers, &c., in public departments, together with a copy of a Treasury Minute dated the 17th February 1894.

My

My Lords desire me to call attention to that paragraph of the Report which suggests that in some cases it may not be necessary that office-keepers should reside in the office, and to ask you to state whether you consider that a resident office-keeper is required in your department. I am to add that they approve the recommendation of the Committee that the holiday of office-keepers should be fixed at four weeks. This is a regulation which may fairly be applied throughout the service.

With reference to the proposal of the Committee on the length of the official day for office-keepers, messengers, &c. I am to ask whether, in your department, the office-keepers and messengers are required to give attendance for such number of hours as the office may be open, or the attendance of messengers considered necessary.

I am, &c.

(5.)

Copy of Treasury Minute, dated 14th March 1894.

Messengers.

The Parliamentary and Financial Secretaries call the attention of the Board to the questions which have been asked, and to the discussions which have taken place in the House of Commons, on the appointment of navy and army pensioners to messengerships in the public service.

My Lords refer to the Report of the Committee of the House of Commons of 1877, and to the Treasury Committee of 1882, over which Mr. Shaw-Lefevre presided. Both these Committees advised that this class of appointment should be recruited from pensioners who have served in the navy (including the marines), the army, and the police.

My Lords have also before them the Report of the Treasury Committee, under Sir Charles Fremantle appointed on the 26th November, 1891, to consider the conditions of service and remuneration of office-keepers and housekeepers, messengers, attendants, and porters in public departments.

The Report of the last-named Committee shows that the War Office have since 1879 appointed, without exception, pensioners to messengerships, paying them 18*s.* a week, rising after two years service to 21*s.* a week, while a certain number, not exceeding 30 in all, will, as vacancies on the establishment are absorbed, be eligible for pay at 24*s.* a week ; and that the Admiralty in like manner have since 1881 appointed, without exception, pensioners to messengerships, paying them 18*s.* a week, rising by 1*s.* to 21*s.* a week, and in six cases to 24*s.* a week.

Both departments reserved small number of messengerships for civilians. Neither of them gives pensions to pensioner-messengers in respect of civil service, and both departments agree that the plan which they have adopted works successfully.

It is to be observed that in both departments pensioner-messengers are only under temporary engagement, and that the service of a pensioner-messenger is discontinued if his conduct is not satisfactory.

Sir Charles Fremantle's Committee, like the Committees previously mentioned, advocate the employment of pensioner-messengers, and an extension to other departments of the system adopted by the Admiralty and War Office.

My Lords note that these different Committees agree in thinking that the employment of navy and army pensioners as temporary messengers in public departments may properly be extended ; and my Lords, in deference to this expression of opinion, will appoint by way of experiment a certain number of military and naval pensioners to act as temporary messengers in their own office and in the departments subordinate to them, and they will obtain from time to time reports whether the experiment is or is not successful.

They do not, however, intend to lay it down that temporary messengers in the service are to be drawn from this class of labour alone.

They further reserve to themselves full power of filling the posts of office-keeper, messenger of the Chamber, and of the messengers who wait upon the Ministers from other sources.

My Lords propose generally to subject such pensioner-messengers as they may appoint to the rules laid down by the Admiralty and War Office.

The Parliamentary Secretary will in furtherance of this experiment select from time to time army and navy pensioners for appointment under this minute.

Pensioner messengers must on appointment be under 50 years of age. Their employment will cease, as matter of course, when they reach the age of 65. They will be engaged for temporary service, and the continuance of their service will depend upon good behaviour and efficiency.

Their civil service will not earn pension, but a gratuity may be awarded them under the Act of 1887 on their retirement after 15 years of service. They will on entry receive 18*s.* a week, rising by 1*s.* to 21*s.* a week, and a certain proportion of them to be determined hereafter will, in each department, be eligible for pay at 24*s.* a week.

Like other unestablished messengers they will have 12 days of holiday in the year (besides the bank holidays and Her Majesty's Birthday). Holidays and sick leave together will not exceed 28 days, but in cases of severe illness, verified by medical certificate, the head of the department may extend within reasonable limits the period of sick leave. My Lords see no objection to the recommendation of Sir C. Fremantle's Committee that such extension should be made dependent on length of service, the total amount of sick leave so granted during service not exceeding an aggregate of 10 days for each year of service after the first, but in no case to exceed a maximum of half a year. Thus if a pensioner had served one year he would only be entitled to 16 days, if he had served five years, the head of the department might grant him 56 days, but if he fell ill again in the following year, he would only be entitled to 16 days. Such grace should, however, only be granted when the head of the department is satisfied that the character of the service already rendered and the nature of the illness deserve special consideration. Three-quarters of current wages only will be paid during sick leave. These rules will take effect from the date of the present minute. My Lords note the opinion of the Committee that with a view to the convenience of visitors to public offices, and to the maintenance of discipline, messengers appointed hereafter should wear a uniform, or at least a distinctive mark or badge, and they think that the suggestion deserves the consideration of heads of departments. They would be glad to gather opinions upon the point.

(6.)

CIRCULAR LETTER FROM THE TREASURY TO THE DEPARTMENTS ENCLOSING COPIES OF No. (5).

Treasury Chambers, 1 April 1894.

In continuation of the letter from this department of the 1st of March last, I am directed by the Lords Commissioners of Her Majesty's Treasury to transmit to you for information a copy of a minute on the subject of the appointment of navy and army pensioners to messengerships in the public service, and to state that My Lords recommend to your favourable consideration an extension of the employment of navy and army pensioners as messengers. Such employment has been advocated by a Committee of the House of Commons, and by two departmental Committees, and it has been adopted with success by the Admiralty and War Office. My Lords do not, however, suggest that the choice of temporary messengers should be confined to this class of labour.

I am, &c.

APPENDIX, No. 7.

PAPER handed in by General the Hon. *W. A. Feilding.*

RETURN of the Number of Clerks and Shopmen enlisted in the under-mentioned Districts since 1890 (inclusive).

District.	Clerks.						Shopmen.					
	1890.	1891.	1892.	1893.	1894.	Total.	1890.	1891.	1892.	1893.	1894.	Total.
London	308	334	328	342	156	1,468	No record.	230	225	246	170	871
Dublin	53	60	55	67	34	269	40	52	22	29	24	167
Liverpool	24	18	26	16	8	92	6	3	9	3	6	27
Edinburgh	16	24	16	21	12	89	20	30	21	17	18	106
Glasgow	16	37	30	30	19	132	26	24	32	26	20	128
Manchester	Districts not formed until 1892.		34	42	17	93	Districts not formed until 1892.		11	9	6	26
Leeds			11	17	15	43			6	6	2	14
Total	417	473	500	535	261	2,186	92	339	326	336	246	1,339

Besides these there are a considerable number of men of superior education who have enlisted lately.

Horse Guards, War Office, 17 July 1894. *W. A. Feilding*, General, I.G.B

RETURN of the Number of Army Reserve Men and Pensioners who are shown, by their Life Certificates, to be employed, or unemployed, on 1st June 1894.

ARMY RESERVE MEN.

Number employed	73,014
Number unemployed	7,723
Total	80,737

Effectives on 1st June 1894, as shown by A. G. 1 Returns	83,391
Number who did not send in their Life Certificates, in Colonies, Lunatic Asylums, &c.	2,654

ARMY PENSIONERS.

Number employed	56,792
Number unemployed	16,496
Total	73,288

Horse Guards, War Office, 17 July 1894. *C. Crutchley*, D.A.A.G.

RETURN of the Number of Army Reserve Men and Discharged Soldiers whose Names are Registered Employment has

DISTRICTS.	Number of Men Registered for Civil Employment.				Number of Men to whom Civil Employment has been offered.			
	For Employment generally.		For Post Office Employment only.	TOTAL.	(a) Under the Post Office.	(b) In other Government Appointments.	(c) In Civilian Companies, Firms, &c.	TOTAL.
	(a) Belonging to the Territorial Regiment.	(b) Belonging to other Corps.						
1892:								
Regimental Districts	1,475	1,828	715	4,018	881	40	600	1,521
Recruiting Districts, &c.	230	847	547	1,624	1,262	34	405	1,701
TOTAL	1,705	2,675	1,262	5,642	2,143	74	1,005	3,222
1893:								
Regimental Districts	1,942	2,997	654	5,593	831	91	1,690	2,612
Recruiting Districts, &c.	93	602	487	1,182	625	30	587	1,242
TOTAL	2,035	3,599	1,141	6,775	1,456	121	2,277	3,854
1894: (Up to 30th June.)								
Regimental Districts	2,270	3,805	709	6,784	257	23	837	1,117
Recruiting Districts, &c.	155	486	313	954	239	18	544	801
TOTAL	2,425	4,291	1,022	7,738	496	41	1,381	1,918

Horse Guards, War Office,
17 July 1894.

for Civil Employment, and of the Number to whom, from 1st January 1892 to 30th June 1894, been offered.

Number of Men who have accepted the Civil Employment offered.					Number of Men who have declined the Civil Employment offered.			
Under the Post Office.		(b) In other Government Appointments.	(c) In Civilian Companies, Firms, &c.	Total.	(a) Under the Post Office.	(b) In other Government Appointments.	(c) In Civilian Companies, Firms, &c.	Total.
As Mounted Postmen (i.e., those who ride or drive round their Collection and Delivery Areas).	In other Positions.							
47	376	19	413	855	402	29	143	574
3	804	38	497	1,342	503	1	26	530
50	1,180	57	910	2,197	905	30	169	1,104
48	435	64	1,047	1,594	307	27	318	652
1	495	47	777	1,320	168	- -	27	195
49	930	111	1,824	2,914	475	27	345	847
25	136	15	531	707	93	7	305	405
- -	143	24	574	741	105	- -	35	140
25	279	39	1,105	1,448	198	7	340	545

W. A. Feilding, General.

I N D E X.

[*N.B.*—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the Figures following *App.* refer to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report and in the Proceedings of the Committee.]

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Statement to the effect that the Post Office officials, although they have expressed their satisfaction with the reservists, do not conceal their dislike to the system; extract from a speech by Mr. Tombs, the Bristol postmaster, read, *Schwabe* 1432–1434. 1458. 1499–1504——Suggestion that the whole question of the employment of reservists might be solved by a certain number of vacancies being reserved for them by the Post Office, and that such vacancies should be increased by the exclusion of civilians employed as substitutes; impression that Mr. Raikes' scheme in regard to telegraph boys was never enforced, *ib.* 1450–1456. 1519–1525——Explanation that Mr. Raikes' scheme was submitted to and approved by the Treasury, *Gleadowe* 1604–1607——Reference to the great assistance given by the Post Office in the employment of reservists, *Pulteney* 2005–2007.

Forms handed in by Mr. Joyce in connection with the employment of ex-soldiers *App.* 120.

See also *Cheltenham. Gloucestershire.*

Publicity (*Employment Societies.*) Evidence showing that during the last two years soldiers have been acquainted with the existence of employment societies, *Pulteney* 1988–1994.

Pulteney, Captain. (Analysis of his Evidence.)—Is in the Scots Guards; is interested in the Society maintained by the Brigade of Guards for finding employment for old members of that body, 1968, 1969.

Detailed statement as to the working of the Society and the number of men for whom employment has been found, 1971–1979——Custom of the Society to apply for vacancies except in the case of asylums, some of the latter applying for men; belief that the men supplied have given satisfaction, 1980–1986——Grounds for concluding that if soldiers were aware that there would be openings for them at the expiration of their term of service they would endeavour to qualify for such positions, 1987.

Evidence showing that during the last two years soldiers have been acquainted with the existence of employment societies, 1988–1994——Desirability of establishing technical schools in the Army, 1995–2004——Reference to the great assistance given by the Post Office in the employment of reservists, 2005–2007.

Information as to the men supplied to the Metropolitan Police, the Scotch Police, and the County Constabulary in England, 2008–2011——Difficulty through the limit of age for Civil Service messengers being fixed at forty, 2011–2014.

R.

Railways. Application made to the railway companies in 1892 by the Secretary of State for War asking them to help the Government in the task of finding employment for reservists; willingness of the companies to assist, *Feilding* 8. 172–175——Inability of witness to state what became of certain men who did not obtain Post Office appointments; application made to the railway companies for employment, but with no result, *Cox* 297–300. 338–341——Enumeration of the railway companies who are amongst the employers of men supplied by the Association represented by witness; instance of eight men recently taken on by the Great Northern Company at 18*s.* per week, *Adye* 391–398. 460–463.

Reference to a conference held at the War Office in May 1892, between the officials of the office and the representatives of the railway companies, with the result that the railway companies offered to take about 2,000 men yearly, *Crutchley* 1650–1666——Opinion that the standard of height influences a great many of the railway companies in accepting or refusing reservists, *ib.* 1667–1675——Statement that no complaints have been made by the railway companies in regard to the reservists employed by them, *ib.* 1676. 1681–1685——Attention of witness called to the report of the National Association for 1893, showing that 421 reservists had been taken by the companies, *ib.* 1677–1680.

Re-appointment of Committee. Recommended appointment of Committee in the next Session of Parliament, the inquiry not being concluded, *Rep.* iii.

Report, 1894—*continued.*

Recruits. Reasons for believing that there has been a distinct improvement in the class of recruits, *Feilding* 89, 90. 209, 210——Conclusion, that anything that leads to the enlistment of a better class of recruit tends to reduce expenses, *ib.* 124–128 — Examination regarding the general nature of the training through which recruits have passed; experience that the largest number consists of unskilled labourers, *ib.* 141–146.

Reference to a custom which prevailed to a great extent last year, and which in some districts is a *sine quâ non*, viz.; that on enlistment, a character is required from a previous employer, *Feilding* 227. 228——Opinion that the posters, relating to civil employment on leaving the Army, are not misleading, *ib.* 238–240.

Opinion that reservists generally enlist under age, and make a false statement of attestation. *Anson* 1064. 1092–1094——Belief that the prospect of subsequent employment induces enlistment, *Schwabe* 1461——Question as to whether, if Government appointments were granted to ex-soldiers, it would not stimulate recruiting and reduce taxation; considerations to be weighed on both sides, *Gleadowe* 1582–1588. 1629–1631.

See also *Education.*

Re-enlistment. Information respecting the power of a man to claim a re-engagement at the expiration of his term of service, *Feilding* 245–249.

Reservists. Statement that the reserve now stands at 83,391, 73,014 of whom have stated that they are employed; attention of witness called hereon to the number of skilled artisans now out of employment, *Feilding* 12–15. 72–78. 85. 166, 167. 258——Question raised as to whether trades unions would agree to the preference being given to reservists; opinion that they should not object to any proposal likely to increase the strength and improve the class of the reserve if it is borne in mind that a dearth of recruits would necessitate either increased taxation or recourse to conscription, *ib.* 86–88. 91–93.

Inability of witness to say from experience whether reserve men have justified their selection for employment; belief that complaints are rare, *Feilding* 193–196——Difficulty of obtaining a return showing what proportion of the reservists lacking employment would only be able to work as unskilled labourers, *ib.* 197–201. 264.——Opinion that the unskilled reservists are handicapped in obtaining employment; practice of such reservists to place too high a value on their labours, *ib.* 202–208. 255–260. 265–267.

Suggestion that the public might communicate with the authorities, stating any vacancies they might have suitable for reservists, *Cox* 313, 314——Opinion that the objection to the employment of reservists owing to their liability to be called upon in time of war is not a serious one, *Anderson* 1168–1174——Difficulties attendant on the proposition to reserve certain appointments for reservists, *Gleadowe*, 1619–1624.

Return of the number of Army Reserve men who are shown by their life certificates to be employed or unemployed on 1st June 1894; *App.* 133.

See also *Army Clothing Department. Clerkships. Education. Gloucestershire. Increase of Employment. Ordnance Factories and Store Department. Post Office. Railways. War Department.*

Ritchie, Lieutenant Colonel. (Analysis of his Evidence.)—Is superintending officer in the Department of the Deputy Adjutant General at the Horse Guards; gave evidence before the Select Committee of 1876–77; 1285–1289.

Opinion that the recommendations of the Committee of 1877 have increased the employment of ex-soldiers, but not to a sufficient extent; probability of the paucity of the places offered to reservists being due to the fear of employers that their staff would be depleted in case of war, 1290. 1292–1296——Belief that if the Government announced their intention of giving employment to reservists the men would qualify themselves for such appointments, 1291. 1297–1302. 1315–1319——Practice of the War Office to employ reservists as messengers, 1303–1305.

Reference to the satisfactory work done by a staff of military clerks under witness; experience that non-commissioned officers and soldiers holding first-class Army certificates are quite equal to the lower division clerks, 1306–1314. 1356–1368——Consideration of the possibility of establishing a Central Labour Bureau under the control of the Inspector General of recruiting, in place of the various private agencies, 1320–1328.

Desirability of technical schools where bookkeeping, &c., might be taught; belief that education has developed very much during the last ten years, 1329–1333. 1343–1345. 1349–1355——Reference to the German practice of giving men who have served several years State employment certificates, 1333–1336 —— Evidence showing the number of military clerks employed in the Commander-in-Chief's Department and in the War Office, 1337–1342. 1375–1382——Practice in most garrisons to allow the men to carry out the repairs, 1346–1348.

Report, 1894—*continued.*

Ritchie, Lieutenant-Colonel. (Analysis of his Evidence)—*continued.*

Concurrence in the proposal to reserve a certain proportion of Civil Service appointments for soldiers, 1369-1372——Opinion that a second class Army certificate should be a sufficient qualification for minor outdoor posts in the Customs, 1373——Probability that Army discipline may, in individual cases, render a man unsuitable for responsible employment, 1383-1387.

Royal Marines. Opinion that although the Royal Marines have not the same difficulty as other branches in obtaining employment, they are not sufficiently remunerated; contention that the Government should set the example by increasing the number of appointments and by giving a fair amount of wages, *Moody* 1250, 1251. 1258-1269——Statement that the Royal Marines are all long service men, enlisting for twenty-one years, *ib.* 1252-1257——Probability that if battalions remained in their territorial districts the chances of employment would be increased, *ib.* 1280-1284.

See also *Post Office.*

Rural Postmen. Arrangement made some years ago with the Civil Service for the acceptance of military certificates of education as a qualification for the positions of rural postmen; doubt as to the action of the Post Office in the matter, *Feilding* 234-237.

See also *Post Office.*

S.

Sailors. See Customs Department. Ordnance Factories and Store Department. Post Office. Treasury, The.

Schwabe, Colonel G. Salis. (Analysis of his Evidence.)—Is connected with the 28th Regimental District, whose headquarters are at Bristol; superintends the association for finding employment for discharged soldiers in Gloucestershire, and corresponds with the Inspector General of Recruiting, 1388-1393. 1444-1449.

Information as to the formation and working of the Association, 1394-1397——Estimate that about 150 applications for employment are made annually; detailed statement showing that since the regulations enforced in 1893 fewer reservists have obtained Post Office appointments, 1368-1407. 1415-1421. 1459, 1460. 1470. 1497, 1498. 1530-1540——Reference to an application made to the Surveyor General of the Post Office at Cheltenham for vacancies for small appointments; his reply thereto, 1407——Examination regarding the number of reservists living within the Gloucestershire district; belief that the reservists of the Gloucestershire regiment number about 600; 1408-1414.

Grounds for believing that witness would have no difficulty in meeting the requirements of the men if half the number of Post Office vacancies in Gloucestershire were placed at his disposal; reference hereon to the assistance given by the Midland and the Great Western companies, 1421. 1424-1426. 1495, 1496. 1548-1550——Custom of the Association to advertise for employment for the men, 1422. 1427-1430——Superiority of certain districts for obtaining employment; practice to apply to neighbouring districts if an application is made for which there is no suitable reservist, 1423. 1431, 1432.

Statement that the Post Office officials, although they have expressed their satisfaction with the reservists, do not conceal their dislike to the system; extract from a speech of Mr. Tombs, the Bristol postmaster, read, 1432-1434. 1458. 1499-1504——Practice of witness to consider the Army form in obtaining a man's character instead of the parchment certificate of discharge; rule never to recommend a man who has left the service for more than a year without taking his references, 1434-1443. 1468, 1469. 1471-1476. 1483-1487.

Suggestion that the whole question of the employment of reservists might be solved by a certain number of vacancies being reserved for them by the Post Office, and that such vacancies should be increased by the exclusion of civilians employed as substitutes; impression that Mr. Raikes' scheme in regard to telegraph boys was never enforced, 1450-1456. 1519-1525——Belief that the prospect of employment induces enlistment, 1461——Opinion that no jealousy exists amongst civilians as regards the employment of soldiers, 1462, 1463. 1532-1535.

Inexpediency of establishing Army technical schools, 1464-1467——Grounds for believing that civilians and soldiers compare equally as to character, 1477-1482——Experience of witness that recruits are better educated now than was formerly the case, 1488-1491——Satisfactory tenour, on the whole, of reports received from employers, 1492-1494.

Contention that it is unfair to compare the percentage of unemployed civilians with those of unemployed reservists, 1505-1515——Opinion that by the exclusive employment of soldiers in the various Civil Service Departments present civil applicants would be driven into the Army, 1516-1518——Undesirability of adopting the German system of twelve years' service, 1541-1545.

Select

Report, 1894—*continued.*

Wilson, Mr. G. Fleetwood, C.B. (Analysis of his Evidence.)—Is Director of the Army Clothing Department; was private secretary to Mr. Bannerman and Mr. Stanhope, and assistant private secretary to Mr. Smith and Lord Hartington, and has had considerable experience of ex-soldiers, 1737. 1786, 1787.

Details as to the number of civilians, soldiers, and reservists employed in the Army Clothing Department, and the nature of the work done by them; reference to the efficiency of clerical staff of ex-soldiers, 1738-1741. 1751-1754. 1795-1797——Statement that, according to instructions given by witness, no man is taken on unless he has served in the Army; information in regard to two Orders on this subject issued by the Adjutant General in 1891 and 1892 respectively, 1743-1750. 1755, 1756. 1783-1785. 1810-1813——Undesirability of any law that would absolutely forbid the employment of civilians in the Department, 1756, 1757. 1779. 1782. 1808, 1809.

Suggestion that owing to the pressure that would be placed on the Army Clothing Department in case of war it would be desirable that the reservists employed there should be excused from serving in the Army, 1758-1767——Objection to a man's pension being deducted from his salary; statement that 19*s.* is the minimum amount of wages paid and that gratuities are given on discharge, 1768-1773——Experience that old Army pensioners are not a satisfactory class, but that reservists are intelligent and do their work well; responsible positions held by the chief clerk and the store-keeper, both of whom are ex-soldiers, 1774, 1775. 1798-1801.

Advisability of paying pensions by monthly instead of quarterly instalments, 1776-1778——Opinion that there is no friction between the soldiers and the civilians employed, 1778. 1806, 1807——Grounds for believing that it would be advisable to give a kind of uniform to the ex-soldiers employed in the department, 1778, 1779.

Advocacy of a large extension of the employment of boys, under certain inducements and conditions, 1780, 1781——Practice at the Army Clothing Department to keep a register of men needing employment; there are now 914 on the books, 1791-1794——Belief that there is no difficulty in obtaining technically educated men for the various trades, 1804, 1805. 1814-1816.

Report, 1894—*continued.*

Select Committee of 1876–77. Detailed statement as to the recommendations of the Select Committee of 1876–77, respecting the suitability of soldiers and sailors for employment in various branches of the Public Departments; extent to which carried out under the War Department, *Feilding* 3 *et seq.*——Opinion with reference to the inquiry in 1876–77, that the recommendations then made were not sufficiently authoritative, *Adye* 360–362. 488–493.

Short Service. Enormous increase in the number of men who leave the Army since the establishment of the short service system; average showing that between 14,000 and 17,000 leave annually, *Feilding* 9–11. 211–215.——Grounds for the view that the short service system improves the quality of the men, and that reservists should not be called upon to accept less wages than a civilian, *Adye* 401–417. 423, 424. 505–510.

Society for the Employment of Retired Soldiers. Examination as to the work done by the Society; opinion that it is not sufficiently brought before the men, *Chapman* 1945–1951.

Staffordshire. Details showing the total strength of the Staffordshire Constabulary to be 640, with sixty to seventy vacancies annually; only ten or twelve soldiers are appointed each year, *Anson* 990–996——Qualifications required by members of the force; rule that a man must be unmarried and under twenty-seven years of age when he joins, *ib.* 997–999. 1062–1064. 1081. 1089–1091. 1095–1098——Statement that the applications outnumber the vacancies, and that witness, as Chief Constable, has rarely to apply to the depôt agency, *ib.* 1000–1002. 1012–1016. 1036, 1037. 1088.

Explanation of the method followed in obtaining the characters of ex-soldiers; necessity for taking them to a certain extent on trust, *Anson* 1003–1011. 1033–1035. 1068–1072. 1082–1084. 1099–1101——Unsatisfactory experience in regard to the employment of soldiers; estimate showing the numbers that have been dismissed, almost invariably through drink, in the last seven years, *ib.* 1017–1021. 1038. 1048–1051. 1060, 1061. 1065–1067——Particulars of the wages received by the men, sergeants, and inspectors, *ib.* 1022–1030.

Supervision. Suitability of ex-soldiers for places where they are under supervision, *Anson* 1077–1079.

T.

Tate, Major. (Analysis of his Evidence.)—Is connected with the Ordnance Store Department, 1817.

Evidence respecting the number of reservists, pensioners, &c., employed in the Ordnance Store Department, and the class of work they perform; explanation that pensioners have always been largely employed, and that an Army Order was issued two years ago relating to this subject, 1818–1838. 1874–1876. 1882, 1883. 1891–1906. 1913–1917——Custom of the Store Department to select men from a register kept by the Department; necessity for those registered to produce recommendations from officers, 1839–1842. 1863, 1864. 1868–1870——Statement that Army pensioners continue to draw their pensions, but that there are special rules relating to Navy pensioners, 1843–1846.

Satisfactory experience in regard to the soldiers employed; reference to certain appointments which are nearly always held by civilians, but to which soldiers might qualify themselves for promotion, 1848. 1851–1861. 1865–1867. 1877–1881. 1907, 1908——Evidence showing that the minimum rate of wages has been raised from 17*s.* to 19*s.* per week; belief that this increase of emolument has tended to retain the men in the service, 1849, 1850. 1886–1890——Opinion that in the event of the reservists employed being called away in time of war they could be replaced without much inconvenience, 1871–1873. 1918–1922——Experience that artillery men and engineers have more technical knowledge than infantry men, 1909–1912.

Technical Education. Conclusion that the establishment of technical schools in the Army and in the Marines would assist soldiers to obtain employment, *Moody* 1273–1279——Desirability of technical schools where bookkeeping, &c. might be taught; belief that education has developed very much during the last ten years, as regards soldiers, *Ritchie* 1329–1333. 1343–1345. 1349–1355——Practice in most garrisons to allow the men to carry out the repairs, *ib.* 1346–1348——Obstacles to the working of Army Technical Schools; difficulty as to attendance, *Schwabe* 1464–1467.

Belief that there is no difficulty in obtaining technically educated men for the various trades, *Wilson* 1804, 1805. 1814–1816——Experience in the Ordnance Store Department that artillery men and engineers have more technical knowledge than infantry men, *Tate* 1909–1912——Advantage to soldiers if they were trained in a trade during their term of service, *Chapman* 1937–1941——Desirability of establishing Army technical schools, *Pulteney* 1995–2004.

Report, 1893—*continued.*

Training (*Army Service*). Details showing that the course of training renders the men good citizens, but they are not trained for handicrafts and trades during the period of service, *Fielding* 147-160. 163-165. 225, 226——Belief that Army training causes a man to lose his individuality and unfits him for a policeman's duty in the country, *Anson* 1031, 1032. 1039–1047. 1073–1076. 1102-1105.——*See* also *Technical Education.*

Treasury, The. Consideration of the result of the deliberation of Sir Charles Fremantle's Committee as expressed in a Treasury Minute dated March 1894, which promises that Army pensioners will be selected from time to time to occupy the posts of temporary messengers, *Hobart* 561–566. 576–582. 638.

Detailed statement respecting the inquiry as to the employment of pensioners instituted by the Treasury in 1882; report handed in, together with a circular, dated 1st March 1894, showing that it was suggested that practically all departments should employ old soldiers as house messengers, &c., *Gleadowe* 1571–1579——Evidence as to the inability of the Treasury (with reference to the employment of ex-soldiers) to control all departments; information respecting the limitation of the Treasury jurisdiction, *ib.* 1579–1581. 1601, 1602. 1611–1616. 1625–1627——The Treasury, in the Minutes of February and March last, have not arranged for any definite proportion of vacancies to be kept for reservists, *ib.* 1589-1594.

Report of Treasury Committee of 1883 upon the question of the employment of Army and Navy Pensioners on the out-door and non-clerical branches of the Civil Service, *App.* 128, 129.

Report of Treasury Committee of 1893 upon the subject of the appointment of messengers, office-keepers, and others, in the Civil Service Departments, *App.* 125–128.

Treasury Minute of 17th February 1894, upon report of the Treasury Committee appointed in November 1891, as regards office-keepers, messengers, and others, *App.* 129, 130.

W.

Wages. See Army Clothing Department. Ordnance Factories and Store Department. Post Office. Short Service System. War Department.

Waiters. Question as to the practice amongst messengers to supplement their earnings by taking employment as waiters, &c.; belief that such practices not discouraged by the authorities, *Hobart* 622–628.

War Department. Information as to the extent to which the recommendations of the Select Committee of 1886–87 have been carried out by different departments during the last eighteen years; practice of the War Office since 1884 to enable the reserve men and discharged soldiers to obtain employment by means of a register established in each regimental district, *Feilding* 5. 8. 36–40. 261–263——Explanation of the formation and working of the voluntary Regimental District Associations started in 1892 for the purpose of finding employment for reserve soldiers; desirability of making such associations as unmilitary as possible, *ib.* 8. 21–35.

Detailed statement of the reasons which have led to the employment of Army pensioners as messengers at the War Office since 1891; satisfactory working of the system, *Hobart* 525–529. 537–539. 585–596. 607, 608 ——Reference to the list of Soldiers desiring employment as messengers kept by the War Office; practice to refer applicants for whom there is no room on the list to the various aid societies, *ib.* 530–536 ——Explanation that the Army pensioners employed as messengers receive 18*s.* per week, rising in two years to 21*s.*; *ib.* 540–546.

Examination as to the steps taken by the War Office to induce other Departments to employ recruits, *Hobart* 551–560. 597–606 ——Particulars of the practice followed in choosing Army pensioners for enrolment on the list kept at the War Office; as a rule, the men are taken in the order in which their names stand on the list, and the merits of exceptional cases are duly weighed by the Under Secretary of State, *ib.* 609–621.

Alphabetical list of regimental districts, with reference to the employment of retired soldiers and sailors, *App.* 120, 121.

Number of pensioners, reservists, and ex-soldiers employed in the War Office in July 1894; employment chiefly as messengers, *App.* 123.

Return respecting soldiers employed as clerks in the War Office; total of 137; *App.* 124.

See also *Army Clothing Department. Association for Providing Employment for Discharged Soldiers and Sailors. Messengers. Ordnance Factories and Store Departments. Technical Education.*

Wilson,

REPORT

FROM THE

JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS,

ON

STATUTE LAW REVISION BILLS, &c.;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
3 *August* 1894.

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ORDER OF REFERENCE.

Monday, 19*th March* 1894.

Message from the Lords, That they have come to the following Resolution, viz.:—That it is desirable that all Statute Law Revision Bills and Consolidation Bills of the present Session be referred to a Joint Committee of both Houses of Parliament.

Monday, 2*nd April* 1894.

STATUTE LAW REVISION BILLS, &c.

Lords Message [19th March] communicating the following Resolution, viz.:—That it is desirable that all Statute Law Revision Bills and Consolidation Bills of the present Session be referred to a Joint Committee of both Houses of Parliament, considered.

Resolved, THAT this House doth concur with the Lords in the said Resolution.

Ordered, THAT a Message be sent to the Lords to acquaint them therewith.

Wednesday, 11*th April* 1894.

Merchant Shipping Bill.—Order for Committee [To-morrow] read, and discharged.

Resolved, THAT it is expedient that the Merchant Shipping Bill be committed to a Joint Committee of Lords and Commons.

Ordered, THAT a Message be sent to the Lords to communicate this Resolution, and desire their concurrence.

Monday, 16*th April* 1894.

Statute Law Revision Bills, &c.—Lords Message [12th April] relative to the appointment of a Joint Committee on Statute Law Revision Bills, &c., considered.

Ordered, THAT a Select Committee of Six Members be appointed to join with the Committee appointed by the Lords (as mentioned in their Lordships' Message of the 12th April), to consider all Statute Law Revision Bills and Consolidation Bills of the present Session,

THAT a Message be sent to the Lords to acquaint them therewith.

Committee nominated of—

Mr. Ambrose.	Mr. T. M. Healy.
Mr. Bryce.	Mr. Howell.
Sir Edward Clarke.	Mr. Solicitor General.

THAT Three be the Quorum of the Committee.

Message from the Lords.—Merchant Shipping Bill, That they do concur with this House in their Resolution, That it is expedient that the Merchant Shipping Bill be committed to a Joint Committee of Lords and Commons, as desired by this House; and have further *Resolved*, That it is expedient that the said Committee be the Joint Committee on Statute Law Revision Bills and Consolidation Bills

Merchant Shipping Bill.—Lords Message to be considered forthwith.

Resolved, THAT this House doth concur with the Lords in their further Resolution.

Ordered, THAT the Merchant Shipping Bill be committed to the Joint Committee on Statute Law Revision Bills and Consolidation Bills.

THAT a Message be sent to the Lords to acquaint them therewith.

Wednesday, 25th April 1894.

Statute Law Revision Bills, &c. (Joint Committee),—Lords Message [24th April] requesting this House to nominate an additional Member to the Joint Committee of Lords and Commons on Statute Law Revision Bills and Consolidation Bills, for the consideration of the Merchant Shipping Bill, considered.

Ordered, THAT the Select Committee [appointed by this House to join with the Committee appointed by the Lords on Statute Law Revision Bills and Consolidation Bills] do consist of Seven Members.

THAT Sir Edward Hill be added to the Committee for the consideration of the Merchant Shipping Bill.

THAT a Message be sent to the Lords to acquaint them that this House has nominated an additional Member to the Committee, as requested by the Lords.

Thursday, 26th April 1894.

Message from the Lords,—Statute Law Revision Bills, &c., That they do propose that the Joint Committee on Statute Law Revision Bills and Consolidation Bills do meet in Committee Room B, on Monday next, at Twelve o'clock.

Friday, 27th April 1894.

Statute Law Revision Bills, &c.,—Lords Message [26th April] relating to the Joint Committee on Statute Law Revision Bills, &c., considered.

Ordered, THAT the Committee appointed by this House to join with the Committee appointed by the Lords on Statute Law Revision Bills and Consolidation Bills do meet the Lords Committee in Committee Room B, upon Monday next, at Twelve of the clock, as proposed by their Lordships.

Message to the Lords to acquaint them therewith.

Friday, 15th June 1894.

Contagious Diseases (Animals) Bill, read a second time.

Message from the Lords [19th March] read,—That it is desirable that all Statute Law Revision Bills and Consolidation Bills of the present Session be referred to a Joint Committee of both Houses of Parliament; and the Resolution of this House of the 2nd April, concurring with the Lords in the said Resolution, read.

Bill committed to the Joint Committee on Statute Law Revision, &c., Bills.

Message to the Lords to acquaint them therewith.

Monday, 25th June 1894.

Message from the Lords,—Copyhold Consolidation Bill, That they have added a Lord to the Joint Committee on Statute Law Revision Bills and Consolidation Bills for the consideration of the Copyhold Consolidation Bill, and request this House to add one of its Members to the said Joint Committee for the consideration of the said Bill.

Tuesday, 26th June 1894.

Statute Law Revision Bills, &c., Joint Committee, That the Lords Message [25th June] requesting this House to nominate an additional Member to the Joint Committee of Lords and Commons on Statute Law Revision Bills and Consolidation Bills for the consideration of the Copyhold Consolidation Bill, be considered.

Ordered, THAT Mr. Tomlinson be added to the Committee for the consideration of the Copyhold Consolidation Bill.

THAT a Message be sent to the Lords to acquaint them therewith.

Thursday, 31st July 1894.

Statute Law Revision Bills, &c.,—Message from the Lords, of the 30th day of July, requesting this House to nominate an additional Member to the Joint Committee of Lords and Commons on Statute Law Revision Bills and Consolidation Bills, considered.

Ordered, THAT Mr. Channing be added to the Select Committee appointed by this House to join with the Committee appointed by the Lords on Statute Law Revision Bills and Consolidation Bills.

THAT a Message be sent to the Lords to acquaint them therewith.

The following Members of the House of Lords were appointed to serve on the Committee, viz. :—

The Lord Chancellor.	Earl of Kimberley.
Lord Thring.	Lord Watson.
Earl of Morley.	Lord Halsbury.

Lord Monkswell added for Merchant Shipping Bill.

Lord Hobhouse added for Copyhold Consolidation Bill [H.L.]

Lord Welby added for Statute Law Revision and Consolidation Bills [H.L.]

REPORT.

THE SELECT COMMITTEE appointed to join with a Committee of the House of Lords to consider all Statute Law Revision Bills and Consolidation Bills of the present Session, to whom was referred the Merchant Shipping Bill, have considered the said Bill, and have agreed to the following REPORT :—

THE Committee have gone through the Merchant Shipping Consolidation Bill, and are of opinion that, in accordance with the policy adopted by the Joint Committee of the two Houses in the Session of 1893 on Consolidation Bills, it reproduced the existing enactments with such alterations only as are required for uniformity of expression and adaptation to existing law and practice, and did not embody any substantial amendment of the law.

Various doubts which arose as to the construction of enactments of different dates when put together into one Bill have been submitted to the Committee, and the Committee have, when possible, amended the Bill so as to remove those doubts. In doing so, they adopted the construction followed in practice. The attention of the Committee was also called to various cases in which an amending Act had not made in the previous Acts all the consequential alterations necessary to give full effect to the Amendments. The Committee have amended the Bill so as to give that effect. In two or three instances the law of 1854 and 1855 was found to be quite obsolete. For instance, the Passengers Act of 1855 contained a classification of ships which was inapplicable to present circumstances. In another instance certain sections of the Act of 1854 have never been put in operation. In such cases the Committee have amended the Bill so as to give effect to the existing state of circumstances. In a few cases obvious mistakes in the amending Acts have been corrected. Representatives of the shipowners and of the seamen appeared before the Committee, and the Committee carefully considered the views they expressed as to the effect of the consolidation on their several interests.

7 *July* 1894.

The Select Committee appointed to join with a Committee of the House of Lords to consider all Statute Law Revision Bills and Consolidation Bills of the present Session, to whom the Copyhold Consolidation Bill was referred, have considered the said Bill, and have agreed to the following Report :—

The Joint Committee have also revised the Copyhold Consolidation Bill, and have made some alterations suggested in part by amendments moved in the House of Commons on the Bill of last year. The Committee are of opinion that the Bill may be accepted as an accurate measure of consolidation.

20 *July* 1894.

The Select Committee appointed to join with a Committee of the House of Lords to consider all Statute Law Revision Bills and Consolidation Bills of the present Session, to whom the Prevention of Cruelty to Children Bill [H.L.], Contagious Diseases (Animals) Bill, Statute Law Revision Bill [H.L.], were referred, have gone through the Bills, and made Amendments thereunto.

3 *August* 1894.

PROCEEDINGS OF THE COMMITTEE.

Monday, 30*th April* 1894.

PRESENT:

The Lord Chancellor.	Mr. Bryce.
Lord Halsbury.	Mr. Howell.
Lord Thring.	Mr. Solicitor General (Sir *John Rigby*).
Earl of Morley.	

The LORD CHANCELLOR was moved into the Chair.

MERCHANT SHIPPING BILL.

Preamble *postponed.*

Clauses considered, amended, and *agreed to.*

[Adjourned till To-morrow, at Eleven o'clock.

Tuesday, 1*st May* 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Lord Thring.	Mr. Solicitor General (Sir *John Rigby*).
Lord Halsbury.	Sir Edward Hill.
Lord Monkswell.	Mr. Howell.
Earl of Morley.	

MERCHANT SHIPPING BILL.

Clauses further considered, amended, and *agreed to.*

[Adjourned till Friday, 29th June, at Eleven o'clock.

Friday, 29*th June* 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Lord Thring.	Mr. Attorney General (Sir *John Rigby*).
Lord Monkswell.	Sir Edward Clarke.
	Sir Edward Hill.

MERCHANT SHIPPING BILL.

A deputation from the Shipowners' Association was present at the sitting of the Committee.

Clauses further considered, amended, and *agreed to.*

[Adjourned till Monday next, at Half-past Eleven o'clock.

Monday, 2nd July 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Earl of Morley.	Mr. Howell.
Lord Monkswell.	Mr. Attorney General (Sir *John Rigby*).
Lord Thring.	Sir Edward Hill.

MERCHANT SHIPPING BILL.

Clauses further considered, amended, and a*greed to.*

[Adjourned till To-morrow, at Eleven o'clock.

Tuesday, 3rd July 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Lord Thring.	Mr. Howell.
Lord Monkswell.	Sir Edward Hill.
Earl of Morley.	Sir Edward Clarke.

MERCHANT SHIPPING BILL.

Clauses further considered, amended, and *agreed to.*

[Adjourned till Thursday next, at Eleven o'clock.

Thursday, 5th July 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Lord Hobhouse.	Mr. Howell.
Earl of Morley.	Mr. Tomlinson.
Lord Thring.	Mr. Attorney General (Sir *John Rigby*)

COPYHOLD (CONSOLIDATION) BILL [H.L.]

Preamble *postponed.*

Clauses considered, amended, and *agreed to.*

[Adjourned till Friday, 20th July, at Three o'clock.

Friday, 20th July 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Lord Halsbury.	Mr. Attorney General (Sir *John Rigby*).
Lord Monkswell.	Sir Edward Clarke.
Earl of Morley.	Mr. Bryan.
	Mr. Tomlinson.

MERCHANT SHIPPING BILL.

Clauses further considered, amended, and *agreed to.*

New Clauses *agreed to*, and added.

Schedules amended, and *agreed to.*

Preamble *agreed to.*

Ordered, To Report.

SPECIAL REPORT, proposed by the Lord Chancellor, read the first time, as follows :—

"The Committee have gone through the Merchant Shipping Consolidation Bill, and are of opinion that, in accordance with the policy adopted by the Joint Committee of the two Houses in the Session of 1893 on Consolidation Bills, it reproduced the existing enactments with such alterations only as are required for uniformity of expression and adaptation to existing law and practice, and did not embody any substantial amendment of the law.

"Various doubts which arose as to the construction of enactments of different dates when put together into one Bill, have been submitted to the Committee, and the Committee have, where possible, amended the Bill so as to remove those doubts. In doing so they adopted the construction followed in practice.

"The attention of the Committee was also called to various cases in which an amending Act had not made in the previous Acts all the consequential alterations necessary to give full effect to the Amendments. The Committee have amended the Bill so as to give that effect.

"In two or three instances the law of 1854 and 1855 was found to be quite obsolete. For instance, the Passengers Act of 1855 contained a classification of ships which was inapplicable to present circumstances. In another instance, certain sections of the Act of 1854 have never been put in operation. In such cases the Committee have amended the Bill so as to give effect to the existing state of circumstances.

"In a few cases obvious mistakes in the amending Acts have been corrected.

"Representatives of the shipowners and of the seamen appeared before the Committee, and the Committee carefully considered the views they expressed as to the effect of the consolidation on their several interests."

Report read a second time, and *agreed to.*

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

COPYHOLD CONSOLIDATION BILL [H.L.]

Clauses further considered, and *agreed to.*

Schedules *agreed to.*

Preamble *agreed to.*

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

SPECIAL REPORT, proposed by the Lord Chancellor, read the first time, as follows :—

"The Joint Committee have revised this Bill, and have made some alterations suggested in part by Amendments moved in the House of Commons on the Bill of last year. The Committee are of opinion that the Bill may be accepted as an accurate measure of consolidation.

Report read a second time, and *agreed to.*

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

[Adjourned till Wednesday next, at Eleven o'clock.

Wednesday, 25th July 1894.

PRESENT:

LORD HALSBURY in the Chair.

Earl of Morley.	Mr. Howell.
Lord Watson.	Mr. Attorney General (Sir *John Rigby*).
	Mr. T. M. Healy.

PREVENTION OF CRUELTY TO CHILDREN [H. L.].

Preamble *postponed.*

Clauses considered, amended, and *agreed to.*

Schedule *agreed to.*

Preamble *agreed to.*

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

CONTAGIOUS DISEASES (ANIMALS) BILL.

Preamble *postponed.*

Clauses considered, amended, and *agreed to.*

[Adjourned till Friday next, at Twelve o'clock.

Friday, 3rd August 1894.

PRESENT:

The LORD CHANCELLOR in the Chair.

Earl of Kimberley.	Mr. Attorney General (Sir *John Rigby*).
Lord Welby.	Mr. Howell.
	Mr. Channing.

STATUTE LAW REVISION BILL [H. L.].

Clauses considered, amended, and *agreed to.*

Schedules amended, and *agreed to.*

Preamble *agreed to.*

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

CONTAGIOUS DISEASES (ANIMALS) BILL.

Clauses further considered, amended, and *agreed to.*

Schedules amended, and *agreed to.*

Preamble *agreed to.*

Title amended, as follows: a Bill to Consolidate the Contagious Diseases (Animals) Acts, 1878 and 1893.

Ordered, To Report.

Ordered, That Mr. Attorney General be instructed to make this Report to the House of Commons.

REPORT

FROM THE

JOINT SELECT COMMITTEE OF THE HOUSE OF LORDS AND THE HOUSE OF COMMONS,

ON

STATUTE LAW REVISION BILLS, &c.;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
3 *August* 1894.

[*Price* 1½ *d.*]

259. *Under* 2 *oz.*

Brought from the Lords, 13 *August* 1894.

REPORT

FROM THE

SELECT COMMITTEE OF THE HOUSE OF LORDS

ON

TOWN IMPROVEMENTS (BETTERMENT);

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
15 *August* 1894.

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292.

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REPORT.

BY THE SELECT COMMITTEE appointed to consider and report whether, in the case of IMPROVEMENTS sanctioned by Parliament and effected by the Expenditure of Public Funds, persons, the value of whose Property is clearly increased by an Improvement, can be equitably required to contribute to the Costs of the Improvements, and, if so, in what cases and under what conditions Parliament should sanction the Levying of such Contributions in Local Acts or Provisional Orders.

ORDERED TO REPORT,

THAT the Committee have met and considered the subject referred to them, and have agreed to the following Report :—

1. The Committee have taken evidence from the promoters of several Bills which have contained provisions for imposing what has been called a betterment charge in respect of improvements effected by local authorities.

2. They have also had before them witnesses who have had experience of the actual working of betterment charges in various forms, and they have taken the evidence of other experienced witnesses and of gentlemen who have written upon the subject.

3. They made known their willingness to hear any evidence that any municipal body or local authority might be disposed to lay before them. The Committee having fully considered the evidence taken before them, have come to the following conclusions, viz. :—

(1.) The principle of betterment, in other words, the principle that persons whose property has clearly been increased in market value by an improvement effected by local authorities, should specially contribute to the cost of the improvement, is not in itself unjust, and such persons can equitably be required to do so. But the effect of a public work in raising the value of neighbouring lands is shown by experience to be uncertain. Whether, in any particular case, it is possible for a valuer to pronounce that such an effect has been produced by the completion of any public work, is a point upon which the evidence of eminent valuers differs greatly.

(2.) The Standing Orders should be amended so that in any case where a Private Bill renders any property liable to a special charge on the ground that its market value will be increased by the completion of a public work, the owners of such property, or of any interest therein, shall be entitled to notice before the introduction of the Bill, in like manner as if the property were to be compulsorily purchased.

(3.) It should be provided in the Bill that within some reasonable period after the completion of the work, the owner of the property intended to be charged should receive notice of the amount of the charge which the local authority proposes to make in respect of the alleged increase in the market value of the property due to the work in question. Inasmuch as the appropriateness of the period must to some extent depend upon the nature of the work and the condition of the neighbourhood, it would be difficult to fix any definite time applicable to all cases, but these considerations

should be borne in mind by the Committee to which the Bill is referred. The period should not be so short that the effect of the improvement could not be adequately tested, and it should not be so long as to make the property intended to be charged suffer in its market value by the suspension of the decision as to the charge.

(4.) In default of acquiescence by the person on whom notice is served the amount of the charge to be made should be decided by an arbitrator, unless the said person claims to go before a jury, and the decision should be taken with as little delay as possible.

(5.) All the costs of such arbitration or inquiry before a jury should be borne by the local authority claiming to lay such charge, unless the arbitrator or jury shall find or award the same sum or a greater sum than that which the local authority sought to lay upon the property, in which case each party shall bear his own costs incident to the arbitration or inquiry, and the costs of the arbitrator or jury shall be borne by each of the parties in equal proportions; unless it should be otherwise ordered by the arbitrators, or in the case of a jury by the High Court, upon the ground that the opposition to the proposed charge has been frivolous and vexatious.

(6.) If the owner has property in the immediate neighbourhood which is found to be injured in its market value by the same work, the amount of the injury should be considered in determining the charge to be imposed upon him for improvements.

(7.) If the owner is of opinion that the charge exceeds the enhancement of market value due to the public work, he should be entitled to claim that the local authority should purchase the property in question at the value which it bore, without regard to any improvement conferred or to be conferred upon it by such work, but under such circumstances a local authority purchasing a freehold or long leasehold should not be compellable to dispossess the occupying tenants, and should, if they prefer it, be empowered to purchase the reversion, after the expiry of any intermediate interests.

(8.) If any question should arise as to the incidence of the betterment charge between any of the persons entitled to different interests in the same property charged, the question should be determined by arbitration.

(9.) Various witnesses have illustrated their opinions by reference to the Bills now before Parliament, but the Committee (to which these Bills have not been referred) has formed no opinion on the merits of either of the Bills in question; but inasmuch as the provision as to notices in paragraph (2) is inapplicable to the Bills already introduced, the Committee consider that it ought to suffice if the Select Committee to which the Bills in question are to be referred should be satisfied that adequate notice has been given to all persons who may be affected by the proposed process of charging.

(10.) The Committee have received evidence upon what has been called "recoupment," that is to say, powers given to a municipal or other public body to take land beyond what is necessary for the actual execution of the work, so that some part at least of the improved value may be secured by the improving public body in ease of the burden upon the ratepayers. Some evidence was given by persons who had actual experience of the operation of such a system, the general effect of which was, that it had not proved successful; but the Committee are not satisfied that it has ever been tried under circumstances calculated to make it successful, inasmuch as no sufficient power has ever yet been given to local authorities to become possessed of the improved properties without buying out all the trade interests, a course which is inevitably attended with wasteful and extravagant expenditure.

ORDER OF REFERENCE.

Die Lunæ, 16° *Aprilis*, 1894.

TOWN IMPROVEMENTS (BETTERMENT).

Moved, That a Select Committee be appointed to consider and report whether, in the case of improvements sanctioned by Parliament and effected by the expenditure of public funds, persons, the value of whose property is clearly increased by an improvement, can be equitably required to contribute to the costs of the improvements; and, if so, in what cases and under what conditions Parliament should sanction the levying of such contributions in Local Acts or Provisional Orders (The Chairman of Committees): agreed to.

Die Lunæ, 23° *Aprilis*, 1894.

The Lords following were named of the Committee:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Halsbury.
Lord Hobhouse.
Lord Lingen.
Lord Farrer.

The Committee to appoint their own Chairman.

Die Martis, 24° *Aprilis*, 1894.

The Lord Thring added to the Select Committee.

Die Veneris, 27° *Aprilis*, 1894.

The Earl Cowper and the Lord Egerton added to the Select Committee.

The Select Committee to meet on Tuesday next, at One o'clock.

Die Veneris, 8° *Junii*, 1894.

The Evidence taken before the Select Committee from time to time to be printed for the use of the Members of this House; but no copies thereof to be delivered, except to Members of the Committee, until further notice.

LORDS PRESENT, AND MINUTES OF PROCEEDINGS AT EACH SITTING OF THE COMMITTEE.

Die Martis, 1° *Maii*, 1894.

LORDS PRESENT:

Duke of Norfolk.	Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Earl of Denbigh.	Lord Halsbury.
Earl Cowper.	Lord Hobhouse.
Earl of Onslow.	Lord Lingen.
Lord Zouche of Haryngworth.	Lord Thring.
Lord Belper.	Lord Farrer.
Lord Egerton.	

The Order of Reference is read.

It is moved that The Lord Halsbury do take the Chair.

The same is agreed to.

It is moved that the Committee examine Witnesses.

The same is agreed to.

The course of Proceedings is considered.

Ordered, That the Committee be adjourned till Monday, the 28th instant, at Twelve o'clock.

Die Lunæ, 28° *Maii*, 1894.

LORDS PRESENT:

Duke of Norfolk.	Lord Zouche of Haryngworth.
Marquess of Salisbury.	Lord Belper.
Earl of Denbigh.	Lord Egerton.
Earl Cowper.	Lord Lingen.
Earl of Onslow.	Lord Thring.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of the 1st of May are read.

It is moved that the Committee be an open one.

The same is agreed to.

The following Witnesses are called in and examined, viz.:—The Earl of *Morley* and *H. L. Cripps*, Esq.

Ordered, That the Committee be adjourned till To-morrow, at Twelve o'clock.

Die Martis, 29° *Maii*, 1894.

LORDS PRESENT:

Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of yesterday are read.

The following Witnesses are called in and examined, viz.:—*H. L. Cripps*, Esq., and General *Viélé* (of the United States).

Ordered, That the Committee be adjourned till Thursday next, at Twelve o'clock.

Die Jovis, 31° *Maii*, 1894.

LORDS PRESENT:

Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Hobhouse.
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in and examined, viz.:—Alderman *George Clay*, *William Henry Talbot*, Town Clerk of Manchester, and *William Harpur*, Esq.

Ordered, That the Committee be adjourned till To-morrow, at Twelve o'clock.

Die Veneris, 1° *Junii*, 1894.

LORDS PRESENT:

Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Hobhouse.
Lord Lingen.
Lord Thring.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of yesterday are read.

The following Witnesses are called in and examined, viz.:—*J. Fletcher Moulton*, Esq., Q.C., M.P., and *Charles Harrison*, Esq.

Ordered, That the Committee be adjourned till Tuesday next, at One o'clock.

Die Martis, 5° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Hobhouse.
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Friday last are read.

The following Witness is called in and examined, viz.:—*Charles Harrison*, Esq.

Ordered, That the Committee be adjourned till Thursday next, at Twelve o'clock.

Die Jovis, 7° *Junii*, 1894.

LORDS PRESENT:

Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Hobhouse.
Lord Lingen.
Lord Farrer.
Lord Thring.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in and examined, viz.:—*Andrew Young*, Esq., *J. Fletcher Moulton*, Esq., Q.C., M.P., and *W. H. Dickinson*, Esq.

Ordered, That the Committee be adjourned till To-morrow, at Twelve o'clock.

Die Veneris, 8° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Hobhouse.
Lord Lingen.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of yesterday are read.

The following Witnesses are called in and examined, viz.:—*W. H. Dickinson*, Esq., *E. J. Castle*, Esq., Q.C., and *Robert Vigers*, Esq.

Ordered, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

Die Martis, 12° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Friday last are read.

The following Witnesses are called in and examined, viz.:—*W. H. Dickinson*, Esq., *Robert Vigers*, Esq., *F. W. Hunt*, Esq., and *Edward Tewson*, Esq.

Ordered, That the Committee be adjourned till Thursday next, at Twelve o'clock.

Die Jovis, 14° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Marquess of Salisbury.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in and examined, viz.:—*A. A. Baumann*, Esq., *Walter Emden*, Esq., and *Theodore Sington*, Esq.

Ordered, That the Committee be adjourned till To-morrow, at Twelve o'clock.

Die Veneris, 15° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Lingen.
Lord Thring.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of yesterday are read.

The following Witnesses are called in and examined, viz.:—*E. Tewson*, Esq., *A. A. Baumann*, Esq., *Robert Bridgford*, Esq., and *J. R. Adams*, Esq.

Ordered, That the Committee be adjourned till Tuesday next, at Twelve o'clock.

Die Martis, 19° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Marquess of Salisbury.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Friday last are read.

The following Witnesses are called in and examined, viz.:—*Robert Adams*, Esq., and *T. B. Westacott*, Esq.

Ordered, That the Committee be adjourned till Thursday next, at Twelve o'clock.

Die Jovis, 21° *Junii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Marquess of Salisbury.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday last are read.

The following Witnesses are called in and examined, viz.:—*W. H. Dickinson*, Esq., *H. G. Clare*, *J. Barron*, Esq., M.P., and *Sir Joseph Warner*.

Ordered, That the Committee be adjourned till Monday, the 2nd of July, at Twelve o'clock.

Die Lunæ, 2° *Julii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Egerton.
Lord Hobhouse.
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of the 21st of June last are read.

The

The following letters are read to the Committee, viz. :—

Sir, 74, Camden-road, London, N.W., 29 June 1894.

I SEND herewith the estimate of the London County Council for the year 1893–4, and at page 6 you will observe that the estimated rent to be received for the year ending 31st March 1894 was 93,703*l.*; and at page 18 it will be observed that the actual amount received for the year 1891–2 was 94,825*l.* 2*s.* 2*d.*, and that the estimated amount to be received for the year 1892-3 was 91,123*l.*, and for the year 1893–4, 93,690*l.* On the next page it will be observed that the cost of collection, including advertisements, in connection with the letting of land, &c., was, for the year 1891–2, 2,436*l.* 11*s.* 9*d.*, and that the estimate for 1892–3 was 2,014*l.*, and for the year 1893–4, 2,250*l.* This book, therefore, clearly proves my statement as to the London County Council having a large sum in the shape of rents to look after at the present time; and on page 108 it will be observed that the value of ground rents and surplus land, on 30th November 1892, was estimated at a little over 2,000,000*l.*

I am, &c.

J. F. Symons-Jeune, Esq., (signed) *T. B. Westacott.*
House of Lords.

LONDON COUNTY COUNCIL.

Dear Sir, Spring Gardens, S.W., 25 June 1894.

IN giving evidence last Thursday I stated that in my opinion the Metropolitan Board of Works as a rule sold property at what was a fair value, and that therefore Mr. Baumann's assertion that the malpractices carried on by the officers of the Metropolitan Board of Works had been the cause of the loss incurred in the process of recoupment, being only applicable to specific instances, did not affect the general question.

As some doubt appeared to exist in the minds of the Committee as to the value of my opinion on this matter, I hope they will allow me to add the following facts, which I have now ascertained :—

The four improvements with respect to which the Council averred that the working of the recoupment system had resulted in a loss were, Shaftesbury avenue, Charing Cross-road, Gray's Inn-road, and Marshalsea-road. With regard to the first of these, it is probable that the loss was due to the fact that a large portion of the purchase money of the site of the Pavilion Music Hall went into the pockets of the officials instead of to the Board.

With regard, however, to Charing Cross-road, the whole of the surplus lands were offered for letting by auction, and, with four exceptions, all the plots were let under the hammer. Of these four plots, three were let subsequently at another auction, and the fourth was sold to the Government by private treaty. In Gray's Inn-road, out of a total of 65 plots, 31 were let by auction and the remainder by public tender, and, as I stated in evidence, the site of the "Yorkshire Grey," quoted by Mr. Baumann, did not form part of this improvement. With respect to Marshalsea-road, all the surplus land was disposed of by auction except one plot, over which the City and Southwark Electric Railway Company obtained compulsory powers of purchase. I may add that as regards the two plots which I mentioned in my evidence, and in respect of which I gave figures showing the actual loss resulting from recoupment, I have ascertained the following to have been the circumstances attending the letting :—The sites north of Cambridge-circus were all let by auction, and the site in Shaftesbury-avenue was put up to public tender but was not disposed of. An offer of 600*l.* a year was subsequently made for it, and after some negotiations the Board named 947*l.* per annum as the rent, and this was accepted.

I am, &c.

J. F. Symons-Jeune, Esq., (signed) *W. H. Dickinson.*
House of Lords.

Various suggestions are considered, with a view to their being embodied in the Report.

The *Chairman* is requested to prepare a Draft Report for the consideration of the Committee.

Ordered, That the Committee be adjourned till Tuesday, the 10th of July, at Twelve o'clock.

Die Martis, 10° *Julii*, 1894.

LORDS PRESENT:

Lord Tweedmouth (*Lord Privy Seal*).
Duke of Norfolk.
Marquess of Salisbury.
Earl of Denbigh.
Earl Cowper.
Earl of Onslow.
Lord Zouche of Haryngworth.
Lord Belper.
Lord Egerton.
Lord Kenry (*Earl of Dunraven and Mount-Earl*).
Lord Lingen.
Lord Thring.
Lord Farrer.

The Lord HALSBURY in the Chair.

The Order of adjournment is read.

The Proceedings of Tuesday, the 2nd of July last, are read.

The following DRAFT REPORT, prepared by the *Chairman*, is read, viz.:—

"1. The Committee have taken evidence from the promoters of several Bills in which there have been provisions for imposing what has been called a betterment charge in respect of improvements effected by the expenditure of public funds.

"2. They have also had before them witnesses who have had experience of the actual working of betterment charges in various forms, and they have taken the evidence of experienced witnesses and of gentlemen who have written upon the subject.

"3. They have made known their willingness to hear any evidence that any municipal body or local authority might be disposed to lay before them. The Committee having fully considered the evidence taken before them, have come to the conclusions set forth in the following Resolutions, viz.:—

"(1.) The principle of betterment, in other words, the principle that where persons have property which has clearly been increased in value by an improvement effected by the expenditure of public funds, is not in itself unjust, and such persons can equitably be required to contribute to the cost of the improvement. But the effect of a public work in raising the selling value of neighbouring lands is shown by experience to be uncertain. Whether, in any particular case, it is possible for a valuer to pronounce that such an effect has been produced by the completion of any public work, is a point upon which the evidence of eminent valuers differs greatly.

"(2.) Standing Order No. 11 should be amended so that in any case where a Private Bill imposes a special charge on any property, on the ground that its selling value will be increased by the completion of a public work, the owners of such property, or of any interest therein, should be entitled to notice before the introduction of the Bill, in like manner as if the property were to be compulsorily purchased.

"(3.) It should be provided in the Bill that within some reasonable period after the completion of the work, the owner of the property intended to be charged with the betterment rate should receive notice of the amount of the charge which the local authority proposes to make in respect of the alleged increase in the selling value of the property due to the work in question. Inasmuch as the appropriateness of the period must to some extent depend upon the nature of the work, and the condition of the neighbourhood, it would be difficult to fix any definite time applicable to all cases, but these considerations should be borne in mind. It should not be so short that the effect of the improvement could not be adequately tested, and it should not be so long as to keep the selling value of the property intended to be charged to suffer in its selling value, by the suspension of the decision as to the charge.

"(4.) The charge to be made should be decided by an arbitrator, unless the owner claims to go before a jury, and the decision should be taken with as little delay as possible.

"(5.) All the cost of such arbitration or inquiry before a jury should be borne by the local authority claiming to lay such charge, unless the arbitrator or jury shall find or award the same sum or a greater sum than that which the local authority sought to lay upon the property, in which case each party shall bear his own cost incident to the arbitration or inquiry, and the costs of the arbitrator or jury shall be borne by each of the parties in equal proportions.

"(6.) If

"(6.) If the owner has property which is found to be injured in its selling value by the same work, the amount of the injury should be considered in determining the charge to be imposed upon him for improvements.

"If the owner is of opinion that the charge exceeds the enhancement of selling value due to a public work, he should be entitled to claim that the local authority should purchase the property in question at the value which it bore, without regard to any improvement conferred or to be conferred upon it by such work.

"(7.) If any question should arise as to the incidence of the betterment rate between any of the persons entitled to different interests in the same property charged, the question should be determined by arbitration.

"(8.) Various witnesses have illustrated their opinions by reference to the Bills now before Parliament, but the Committee (to which these Bills have not been referred) has formed no opinion on the merits of any of the Bills in question; but inasmuch as the provision as to notices in the second paragraph is inapplicable to the Bills already introduced, the Committee consider that it ought to suffice if the Special Committee to which the Bills in question are to be referred should be satisfied that adequate notice has been given to all persons who may be affected by the proposed process of charging."

The said Draft Report is considered.

Paragraphs 1 and 2, are read and agreed to, with Amendments.

Paragraph 3 is read.

Sub-sections, 1, 2, 3, 4, and 5, are read, and agreed to, with Amendments.

Sub-section 6 is read.

Amendments are made therein.

It is moved that Sub-section 6, as amended, be agreed to.

Objected to.

On Question, That the Sub-section stand part of the Report:

Contents, 11.	Not Contents, 2.
Duke of Norfolk.	Lord Tweedmouth (*Lord Privy Seal*).
Marquess of Salisbury.	Earl Cowper.
Earl of Onslow.	
Lord Zouche of Haryngworth.	
Lord Egerton.	
Lord Halsbury.	
Lord Kenry (*Earl of Dunraven and Mount-Earl*).	
Lord Belper.	
Lord Lingen.	
Lord Thring.	
Lord Farrer.	

It is decided in the affirmative.

Sub-section 6 is then agreed to, with the Amendments.

Sub-section 7 is read.

It is proposed by the Lord Tweedmouth, at the end of the Sub-section, to add, "but under such circumstances a local authority, purchasing a freehold or long leasehold, should not be compellable to dispossess the occupying tenants, and should, if they prefer it, be empowered to purchase the reversion, after the expiry of any intermediate interests."

After discussion, the same is agreed to.

Sub-section 7 is agreed to, with the Amendment.

Sub-sections 8 and 9 are read, and agreed to, with Amendments.

It is proposed by the Lord Halsbury to add the following Sub-section, viz.:

"(10.) The Committee have received evidence upon what has been called 'recoupment,' that is to say, powers given to a municipal or other public body to take land beyond what is necessary for the actual execution of the work, so that some part at least of the improved value may be secured by the improving public body in ease of the burden upon the ratepayers. Some evidence was given by persons who had actual experience of the operation of such a system, the general effect of which was, that it had not proved successful; but the Committee are not satisfied that it has ever been tried under circumstances calculated to make it successful, inasmuch as no sufficient power has ever yet been given to local authorities to become possessed of the improved properties without buying out all the trade interests, a course which is inevitably attended with wasteful and extravagant expenditure."

After discussion, the same is agreed to.

Section 4 is then agreed to, with the Amendments.

Ordered, That the Lord in the Chair do make the said Report to the House.

MINUTES OF EVIDENCE.

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Die Lunæ, 28° Maii, 1894.

LORDS PRESENT:

Duke of NORFOLK.	Lord BELPER.
Marquess of SALISBURY.	Lord EGERTON.
Earl of DENBIGH.	Lord HALSBURY.
Earl COWPER.	Lord LINGEN.
Earl of ONSLOW.	Lord THRING.
Lord ZOUCHE OF HARYNGWORTH.	

THE LORD HALSBURY IN THE CHAIR.

THE RIGHT HONOURABLE THE EARL OF MORLEY; Examined, as follows:

Chairman.

1. YOUR Lordship is, as we know, the Chairman of Committees of the House of Lords?—I am.

2. Would you kindly describe to us the course of procedure that is adopted with regard to all Private Bills so far as you are concerned?—So far as I am concerned the procedure is this; the Bills, as soon as they are deposited, are sent to me and my counsel; we read them and note them. Anything that I consider, or he considers, ought to be noted we note, and the Bills are returned to the agents, whom, on returning to London at the beginning of the Session, I interview on every Bill. The Bill is then amended, and is formed into what is called the filled-up Bill, which is the Bill as prepared to be put before a Committee, whether on unopposed or opposed Bills. That is the general principle; I read, before the beginning of the Session, every Bill, whether introduced into the House of Lords or into the House of Commons.

3. If there is anything contrary to any general principle of law, I presume you would note it?—I should note it and ask for explanations from the agents, or anybody they chose to bring before me.

4. If there is anything which you consider to be inconsistent with the general principle upon which Private Bills are projected, I presume you would note it?—Certainly. I consider it is my duty to protect the public, and parties who would not be represented before an Opposed Bill Committee; and also to secure, as far as possible, general uniformity of legislation, and to prevent anything being introduced into Private Bills that is contrary to the general practice of Parliament, or contrary to general legislation.

5. With respect to the particular matter which this Committee is called upon to investigate, your attention was called, I presume, to what for want of a better term we will call the "Betterment Principle" in the Bill to which you called attention in the House?—It was. I read the Bill in the ordinary course, as I had read the Bills introduced with the same provision in them in, I think, two previous Sessions; and I noted the question. But I may mention that the question has never actually come before the House of Lords till last year.

Chairman—continued.

6. Will you explain how that was?—The Bills were defeated, or that portion of the Bills which sanctioned "Betterment" was defeated in the House of Commons.

Marquess of *Salisbury.*

7. Is there any public print of the evidence that was taken in the House of Commons upon those Bills?—I presume there is. I think the Parliamentary agents would tell you that. There were two Bills before last year, one in 1890, and one in 1892, containing this principle, introduced by the London County Council, both of which were rejected by the Committee of the House of Commons.

8. If that evidence is printed, could copies be circulated for the use of Members of this Committee?—I presume so. I have never seen the evidence myself, but I presume it can be produced.

Chairman.

9. Your intervention in the House, I understand, was not due to any opinion you had yourself formed upon the propriety, or impropriety, of the principle of betterment, but was made in the ordinary course of your duty as Chairman of Committees?—My intervention arose, as you say, not because I had formed any definite opinion upon the principle (for I had not done so), but in this way: the Bill came up from the House of

Chairman—continued.

Commons last year, and on Second Reading my noble friend, the Earl of Onslow, moved a resolution (of which, no doubt, you have got a copy) which rendered it practically impossible for the Opposed Bill Committee, to which the Bill was referred, to consider the question of betterment at all, on the ground that the principle of the resolution was that the question of betterment was one that should be settled by the opinion of the House, as a whole, or by general legislation in some form. Matters thus came to a deadlock between the two Houses; and my intervention was made with the view of endeavouring to find a way out of this difference of opinion by the appointment of a Joint Committee to consider the general question.

10. That, as we know, was not assented to?—That was not assented to; and that not being assented to, it seemed to me that the principle was not merely novel, but was one of such possible general application that it was absolutely necessary, for the guidance of Opposed Bills Committees and of myself, as having charge of unopposed Bills, to have some direction from Parliament as to the manner in which this question was to be dealt with.

11. I understand you to say you have not yourself formed any definite opinion upon this principle of "betterment"?—I have not formed any definite opinion, especially as regards the application of this principle, which involves very difficult questions indeed.

12. Questions of detail, you mean?—Yes, questions of detail.

Lord *Thring.*

13. I should like to ask a question or two with respect to the practice, which deviates apparently from what it was when I was at the Bar; betterment, as I understand, applies in the Bill to certain lands which are scheduled, does it not?—I have not got the Bill before me, and I am not quite certain about that.

14. Taking the case of towns improvements, I understand that in the case of a town improvement you allow promoters not only to schedule for compulsory purchase the actual buildings they require to take down, according to their scheme, but also to schedule other buildings, in order that they may make money out of those buildings by selling them; I am not certain that I express my meaning rightly?—Perfectly. Perhaps I may be allowed to explain there is a difference between the "limits of deviation," as it is called, and the limits of compulsory purchase. The "limits of deviation" are the limits of deviation of the central line of any work; so that according to ordinary Private Acts the central line of a work may be brought up to the limits of deviation shown on the plan on either side, so that the work itself may exceed those limits of deviation; but that has nothing in the world to do with the limits of the compulsory powers.

Marquess of *Salisbury.*

15. The work may only exceed the limits of deviation by half its own breadth?—Yes; that would be the central line of the work. The compulsory power is applied to all properties

Marquess of *Salisbury*—continued.

that are shown on the deposited plans and referred to in the book of reference; and of course the owners, lessees, and occupiers should have had the proper notices.

Lord *Thring.*

16. Either beyond or within the limits of deviation?—Practically all the works being within the limits of deviation, are almost always scheduled; but it goes very much beyond that in many cases. In ordinary cases the lands that are required for the works are allowed to be taken; but, in the case of town improvements and some other cases, a larger amount is acquired than is actually required for the work, with a view, as Lord Thring explained, to give the improving municipality the power of securing frontages on their new works.

17. With a view to recoup themselves for the expense of the public improvement?—That was the principle that was adopted.

18. On the principle of recoupment, if that be the right name, as I understand, if a Bill scheduled land for the purpose of recoupment, that Bill would now be allowed to be laid before a Private Bill Committee?—Certainly.

19. Therefore, there is, in effect, an indirect mode of betterment which is always allowed?—It is an indirect mode of enabling the improving municipality to repay itself for the expenses of the new works.

20. Is not that, in fact, betterment in another form; does not betterment mean a principle, or system, or whatever you like to call it, by which the improving authority may repay itself, either wholly or in part, for the expense it is put to in carrying into effect a new work?—It is rather an abstract question; but obviously the object of betterment is to enable the improving municipality to repay itself to some extent.

Chairman.

21. Is there not this proposition involved in the last question put to you: that the improving municipality shall have first bought the land they are afterwards going to sell, and paid for it?—It is different, of course, in that respect.

Lord *Thring.*

22. The point is of some little importance as showing that recoupment is, in fact, an indirect mode of betterment, and that it is, I should think, not a very good indirect mode of betterment?—Recoupment applies, of course, to properties that have been bought; betterment applies to properties that have not been bought. That is the difference.

Chairman.

23. The improving municipality has already paid its money for the thing which they are going to make money out of?—Yes.

Lord *Thring.*

24. But the object is the same?—Yes, to some extent.

25. Has

Lord *Belper.*

25. Has the principle of recoupment always been admitted as applicable in these cases?—I cannot tell you exactly when it was first adopted. No doubt the representatives of the London County Council can tell you. It has not always been adopted. I do not know when first the larger limits were allowed.

26. Was the principle discussed at the time it was introduced, or was it admitted only in some individual Private Bill, and thus became a custom?—I do not think it was discussed in the House; I think it was allowed by Lord Redesdale in certain Private Bills.

27. It got to be a custom after having been admitted in one case originally?—In one or two cases.

Marquess of *Salisbury.*

28. Do you know whether in the case of Bills which contained provisions of recoupment it was the practice to offer evidence that the recoupment was likely to pay?—I suppose, naturally, in an unopposed Bill, the Chairman of Committees, whoever he might be, would ask that question.

29. You never have had to ask the question yourself?—I do not think I have ever had any important recoupment cases to deal with.

30. You have no knowledge of the fact whether recoupment did pay or not?—I cannot answer that question with any certainty. I am informed it has not been successful; but I speak only from information given to me.

Lord *Thring.*

31. Recoupment was not in practice when I was at the Bar many years ago; but I understand, in your opinion, it crept in gradually without any decision of either House of Parliament in principle upon the question whether it was right or wrong?—I have not looked into the question lately, but that is my impression.

Marquess of *Salisbury.*

32. Have you any knowledge of the grounds upon which this question of the limits of deviation has come into the subject at all; is there any reason for believing that property which is within the limits of deviation, but not within the actual work, is more benefited by it than other property further off?—I think where the question of limits of deviation really comes in was as a convenient way of showing where the property might be benefited without any reference to the work; that is my impression.

33. You mean benefited by the work?—Yes, benefited by the work.

34. You do not know how the impression grew up that that property, within the limits of deviation, was more likely to be benefited by the work than any other?—My impression (but it is only an impression) is that the limits of deviation were extended from the real use of the term "limits of deviation" as referring to the central line for the work, to include properties on both sides that would be benefited.

35. You think it was a mere name given to the limits of betterment?—That is my impression in this case.

Lord *Thring.*

36. I must carry you back a little. I dare say I am wrong, because my memory fades; but I thought that, taking the case of a railway (which is far the simplest case), limits of deviation originally meant this: we will assume that the central line laid down by the railroad was *there* (*drawing a line*). I always understood that certain limits of deviation were allowed, so that you might take your central line *here*, or you might take it *there*, because the promoters could not be quite certain they had got precisely the right line that would suit them; and therefore Parliament allowed them, for purposes of convenience, to make their railroad *here*, or to make their railroad *there*. I confess it was quite a surprise to me that limits of deviation meant anything except the limits beyond which you could not make your work. Is not that the proper meaning of it?—That is so in all ordinary Bills.

37. It has nothing whatever to do with bettering or non-bettering, or worsening, has it?—No. It has caused a great deal of confusion, referring it to betterment.

38. They are simply the limits within which the promoters of the undertaking might deviate their works, or in ordinary words might make their works?—Yes; that is so.

Marquess of *Salisbury.*

39. You are distinctly of opinion, I understand, that though that was the original use of the word, it came to be used as a convenient substantive to express the district within which betterment might be effected?—That was only in the case of two or three Bills, I think.

40. Do I understand you to say that in the case of those two or three Bills it was used to express an idea entirely different from its original meaning as confined to the limits within which deviation might be allowed, and was extended to include the district within which betterment might be effected?—I did not know that I was going to be asked this question, or I would have looked into it; but that is my impression.

41. I do not know whether the Members of the Committee have seen the plans in the cases you refer to. May we have them?—They have been deposited, and are at your Lordships' disposal at any time.

Earl of *Onslow.*

42. Were you acquainted with all the Bills relating to this subject that were before Parliament?—I have read them all. They have not come before me officially.

43. You have seen the plans?—Yes.

44. The Bills I refer to are the Strand Improvement Bill, the Cromwell Road Bridge Bill, and the Tower Bridge Bill?—Yes.

45. Was the practice of betterment in those schemes confined to the limits of deviation in any except the last one, namely, the Tower Bridge Bill?—I rather think not. I think the Bill of last year was the only one in which that was the case.

46. Was not there a radius drawn round the Cromwell Bridge within the limits of which radius an improvement charge was to be levied;

Earl of *Onslow*—continued.

you may recollect that?—I think you will get that better from another witness. I have not looked at the plans lately, and I do not like to speak from memory.

Lord *Thring.*

47. May I ask whether the expression "limits of deviation" (to the meaning of which I attach some importance) are the words used in that sense in the Bill or the Acts, or are they merely a new slang expression?—In the Bill of this year the words are "all lands within the limits marked on the deposited plans as 'limits of deviation' in relation to the improvement but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed" upon them.

Marquess of *Salisbury.*

48. So that there has been a deviation from the original meaning of "limits of deviation"?—Quite so.

Earl of *Onslow.*

49. You said at the beginning of your evidence that it was your practice to look through the Bills to see whether there was anything in them that was contrary to the practice of Parliament?—Yes.

50. When these Bills come before you, and you find a clause relating to betterment, would you consider that to be a clause contrary to the practice of Parliament?—That is rather a difficult question to answer. For instance, it might arise in such a way as that the betterment might be by consent; in which case it would be, I take it, an agreement between the parties, and that would be an unopposed Bill; I should not consider I was justified in striking that out of the Bill. That is an extreme case.

51. I want to see where you draw the line between clauses which are, and clauses which are not, contrary to Parliamentary practice. If you get a clause like this, which is entirely novel, would you consider it your duty to bring it before the notice of the whole House, or to deal with it yourself, or to pass it over and let the Select Committee deal with it?—That is a rather difficult question to answer; because, of course, their Lordships leave a great deal to my discretion. But in a question of this kind, which is likely to have a very large application throughout the country, I should desire to have the guidance of the House in the matter in some form or other.

52. In what way would you raise that question?—I should probably raise it in the House, or else it would come before the Select Committee.

53. You would draw the attention of the Select Committee to it as a novel departure in Private Bill legislation?—Yes; or if the Bill were unopposed, I have power under the Standing Orders, if I think fit, not to deal with it myself, but to refer it to a Select Committee.

54. You did not consider that this particular clause required that course to be taken?—Until last year it never came before me, and in that case your Lordship moved a resolution which brought it before the House.

Earl of *Onslow*—continued.

55. Up to the time when my resolution was brought before the House, no attention had been drawn to the Bill by your office?—That is so.

56. When you said these several Bills had been before Parliament, were they all London Bills?—They were all London Bills.

57. Has there ever been any proposal of this kind made anybody except the London County Council?—Not actually of the same kind till this year.

58. You refer to the Manchester Corporation Bill of this year, I presume?—The Manchester Corporation Bill and also the Cardiff Corporation Bill.

59. Up to that time there had been no proposal for the introduction of the principle of betterment from any promoters except the London County Council?—Not that I am aware of.

60. You said that you believed that recoupment had not been successful; would you say that generally or absolutely?—I guarded myself by saying that I had no personal knowledge of that except what I had heard. I do not wish to express any definite opinion upon that point. That I should prefer you should get from other witnesses.

Lord *Thring.*

61. Using the new slang expression, "limits of deviation," in the sense in which I understand it to be used in the several Bills which have been introduced, the effect I gather is that a particular house, we will say, in the limits of deviation is charged with compensation; now, assuming that, instead of its having been charged with compensation, power had been given to the local authority, or whoever brought the Bill forward, to buy that house, that would be under the recoupment clause, and you would not have objected to its introduction?—No. What you mean, I presume, is that the larger limits of deviation would be coincident with the limits under which the compulsory powers would be exercised.

62. As I understand, according to the new definition of "limits of deviation," under the particular words that Lord Onslow referred to, certain houses were charged, or would have been charged, with compensation under the title of betterment; that was so, was it not?—They would have been liable to be charged.

63. They would have been liable to be charged with compensation because they were placed within the limits of deviation. I will take one of those houses and I will assume, instead of its having been liable to be charged with compensation, it had been stated that the authority that supported the Bill might buy that house, that would be a case under the recoupment clause and would be within the practice, would it not?—Yes, if the property was scheduled and shown in the Book of Reference.

64. If the local authority introducing the Bill (which I understand was the London County Council) had chosen to schedule those houses which were liable to compensation with a view

to

Lord *Thring*—continued.

to selling them at a profit, that would have been within the recoupment practice?—Certainly.

Lord *Egerton.*

65. Is there anything in the Manchester Corporation Bill which is different from the London Bills. It seems to me that the line of deviation in that case is very arbitrary?—That I cannot speak to; but I believe the clause is almost, if not entirely, identical with the London clause.

Earl of *Onslow.*

66. What has been the fate of those Bills. Are they all alive?—No; the Cardiff Corporation Bill was thrown out by the Standing Orders Committee on the ground that the Betterment Clause was not covered by the notices issued; it was a case of non-compliance with the Standing Orders.

67. Does the Manchester Corporation Bill remain?—The Manchester Corporation Bill remains.

68. And the London Bill?—That is now before the House of Commons.

Marquess of *Salisbury.*

69. They have none of them reached the House of Lords, have they?—They have neither of them reached the House of Lords, at least, they had not at the beginning of the holidays.

Earl of *Onslow.*

70. The London County Council Bill has been amended in the House of Commons, has it not?—I believe it has.

71. It has not come up to their Lordships' House yet, has it?—I believe not.

72. It has passed the Committee stage in the House of Commons and has been amended in the House of Commons, has it not?—Yes.

MR. HENRY LAWRENCE CRIPPS is called in; and Examined, as follows:

Chairman.

73. YOU, I think, have the management of the Parliamentary business of the London County Council?—I act as their Parliamentary agent, as I did for the Metropolitan Board of Works previously.

74. For how long?—For nearly 25 years.

75. I think you have been the person who has drafted the Bills since this question of betterment has arisen?—I was instructed by the Council originally to draft the first Bill for them. I drafted that Bill, and I have also drafted the subsequent Bills.

76. Will you just tell us what the Bills were; I daresay you have copies of them?—I have. I understood that the Committee would desire to have some explanation of the different Bills, and therefore I have the Bills before me.

77. Will you kindly take them in turn and explain them in your evidence as you go on?—The subject was first considered by the London County Council in 1889. Of course the Committee will have before them members of the London County Council who would rather explain the policy of the Council in that matter; I propose rather to confine my evidence to explaining the position of the different Bills, and so on. In 1889 there were various schemes for local improvements considered and discussed by the Council, which were referred to the Parliamentary Committee, and the Parliamentary Committee considered and discussed the terms of the Bills which they would propose to Parliament for authorising those improvements. I think that one of the members of the Parliamentary Committee originally pointed out the desirability of obtaining some provision in these Acts under which, where property was specially and exceptionally improved in value, there should be some contribution towards the cost in respect of that value, and I was asked to draft a Bill to give effect to that idea. I accordingly drafted some clauses for the scheme then under consideration

Chairman—continued.

(that was the Strand improvement) which, after a very full discussion by the Parliamentary Committee, were adopted and embodied in that Bill.

78. If I remember right, the recital in that Bill purported to describe the object and purpose of it?—Yes, it did. It was thought desirable, as the proposal was one which had a certain amount of novelty in it, that the real object of it should be fully explained by the preamble to the clause. I shall have to explain to the Committee no doubt presently that the form of this clause has been considerably modified since its first introduction, but this was the first idea of the Bill. This is the recital in the Strand Improvement Bill introduced in the Session 1890: "And whereas the improvement being effected out of public funds belonging to or charged upon the ratepayers of the County of London will or may increase in value lands or property fronting on, or in the neighbourhood of the improvement, but not acquired for the purpose thereof, and it is reasonable that provision should be made under which such increased value should be reserved wholly or in part for the ratepayers at whose expenditure it has been produced." That was the expression in the form of the preamble of the original proposition of the London County Council with regard to this matter. Then, of course, it was a little difficult to devise a system of clauses which would give effect to that; but practically the clause dealing with it (which, I suppose, the Committee would like placed on the record of their proceedings) was Clause 28 of the Strand Improvement Bill. It is rather a long clause; and, perhaps, the Committee would prefer that I should deal with the differences in these clauses separately. The Bill of 1890 was discussed in the House of Commons, and was not passed there, and, of course, it never came to the House of Lords. The Committee, I understand, wish to have the history of the matter, and I may say that that Bill having been rejected, another Bill was introduced in 1892. That had reference to an

Chairman—continued.

improvement which is known as the Cromwell Road Bridge Improvement. That also did not get beyond the House of Commons. Then the next Bill was the London Improvements Bill of 1893. That was the Bill of last Session, the history of which, no doubt, the Members of the Committee will recollect. It was referred to a Select Committee of the House of Commons.

Marquess of *Salisbury.*

79. It was not referred to an ordinary Select Committee, I think?—It was not. Perhaps in giving the history of the thing, I ought to have added that. The Bill of 1890 was considered in the House of Commons by a specially constituted Committee. The Members of the House of Commons constituting that Committee were: Mr. Shaw Lefevre, Mr. Ambrose, the Marquis of Carmarthen, Mr. Lawson, Mr. Baumann, Sir Henry Selwin-Ibbetson, Sir Joseph Pease, Mr. H. H. Fowler, Mr. Hanbury, Sir William Houldsworth, and Mr. Stephen Williamson. The Committee in that case reported adversely to the application of what they called the principle of betterment to the improvement proposed by that Bill.

Earl of *Onslow.*

80. Who was the Chairman of that Committee?—Mr. Fowler was the Chairman. The Bill of 1892, again, was referred to a Special Committee, which was constituted as follows: Mr. Baumann, Mr. Sydney Buxton, Sir John Colomb, Mr. Cremer, and Mr. Kimber, nominated by the House of Commons; and Sir Joseph Bailey, Mr. Brunner, Mr. Hunter, and Mr. W. P. Sinclair added by the Committee of Selection.

81. Sir Joseph Bailey being the Chairman?—Sir Joseph Bailey being the Chairman. Then the Bill of 1893 was referred to a Select Committee, which consisted of Sir James Fergusson, Mr. Benn, Mr. Birrell, Mr. Hargreaves Brown, Mr. Brodie Hoare, Mr. Kimber, Mr. Leake, Mr. James Rowlands, and Mr. Snape.

82. Before you leave the question of the constitution of the Committee, let me ask was that the final constitution of the Committee; was not there a change made?—Speaking from my recollection, I think I am reading the names of the Members of the Committee who actually sat on the Bill; but I will ascertain whether that is so. I am told that is so. I have given them correctly. There was an alteration in the Committee, but I have given you the names of the Committee as it was finally constituted. I will look into the matter again, however.

83. It is rather an important point, because I should like to ask presently why the change was made?—You will have it, perhaps, most shortly in the actual Report of the Select Committee on that Bill.

Chairman.

84. There was a Special Report, was there not?—Yes, I think you should have before you a copy of this short Report from the Select Committee of 1892, as well as the one from the Committee of 1890.

85. But, upon the question which the noble Earl has asked, I ask can you give any explanation of the change which was made in the constitution of the Committee?—I do not recollect any particular reason for it.

Chairman—continued.

86. Or that there was any change?—I know that that was so. I have no doubt his Lordship is right. I am told there was a change, but I am afraid I cannot give any explanation of it. That Bill of 1893 was discussed in the House of Commons on "consideration" after the Report from the Committee; the House of Commons debated upon it, and the Bill was passed on a division by 216 to 118.

Marquess of *Salisbury.*

87. Perhaps, as you give the majority in this case, you might give the majority in the other cases?—I could get them. I forget whether there was any actual division in the House of Commons in the previous case.

Chairman.

88. The Committee rejected it, and it was not brought before the House?—That would be so. I think there was some discussion on Second Reading on one, if not both, of those Bills, but I do not recollect.

Marquess of *Salisbury.*

89. Perhaps you will ascertain whether there were divisions, and if you get any information upon that subject perhaps you will put it in in correcting your evidence?—I will. Then the Bill of 1893 came up to the House of Lords after that decision on reconsideration, when his Lordship moved the resolution which has been already mentioned. That Bill was referred to a Select Committee, which, as your Lordships are aware, decided that having regard to what was the obvious intention of the Resolution of the House, they could not entertain the clause in question, and it was omitted. I do not know whether your Lordships will like to have on record the subsequent proceedings with regard to that Bill.

Chairman.

90. It will be well that we should have them?—It was further discussed in the House of Commons on the 10th August, when, on the motion of Sir John Lubbock, the House resolved, by a majority of 221 to 88, to disagree with the amendment. Then the Bill was returned to the House of Lords, and your Lordships insisted upon the amendment to which the House of Commons had disagreed.

91. Was there any division?—Yes, there was a division, as to insisting upon the amendment, the numbers being 50 to 27. Then, if I understand aright, your Lordships desire to have some explanation of the clauses themselves. I think the simplest plan would be for me to show your Lordships the original plan of the Strand improvement, because that will explain the clause in the Act of 1890.

92. Probably you will be able to give the Committee some explanation of the principle upon which the plan was drawn, without reference to the actual details of the plan?—I think I can

Chairman—continued.

I can only do that by showing your Lordships the plan.

93. The plan only pointed out the particular properties that were to be subjected to the new rate, as I understand. What I wanted to know was whether there was any principle which guided those who devised the plan, whether it was mere proximity, or whether there was any conjecture as to the way in which the benefit would accrue?—I think I can explain that to the Committee. The deposited plan of 1890, which I have before me, was the plan of the Strand improvement proposed in that year. It involved practically the removal of the block of buildings which exists between Holywell-street and the Strand, and the formation of a new road on the north side of St. Mary-le-Strand Church, and incidentally it was necessary, or considered necessary, for the purpose of that improvement, to seek power of compulsory purchase over the block of buildings lying between Wych-street on the north and the Strand on the south, and extending from St. Clement's Dane Church on the east to New Church-court opposite Somerset House on the west. Then as regards the application of this particular clause (the preamble of which I have read) to that improvement, I was asked to advise the Council as to whether there should be any limitation placed upon the area throughout which the powers of the arbitrator to fix the improvement charge should extend, and I must take the responsibility of the advice which I gave to the Council on that occasion, viz., that it was desirable to impose some limit; and for this reason. Of course there is no provision in any Standing Order which would apply to a Bill of this kind, and therefore no special or individual notices of any kind would have been given to the persons whose properties would have been liable to be placed under contribution; and if there had been no limitation of the area over which the powers should extend, the result would have been that nobody who was anywhere in the neighbourhood of the improvement, or had property in the neighbourhood of the improvement, would have known the least in the world how far it was at all likely the arbitrator would exercise those powers, particularly in a large populous area like the Strand neighbourhood; and the result might have been a very large anxiety on the part of owners of property, and very likely very considerable expense in the way of petitions against the Bill from people who, as a matter of fact, when the scheme was understood could not by any possibility have been affected by it. Therefore, I thought it was desirable that the Council should fix some particular limit which in their opinion was quite the outside of any possible operation of this enhancement in value.

Marquess of *Salisbury.*

94. You used the words "in their opinion;" did your advice then not convey the principle upon which this line was to be drawn?—I took it the Council would be advised by those competent in land valuation upon the question as to how far it was likely any special enhancement in value would be likely to result, and having ascertained some such limits that they should take care that they embraced within the operations of the clause the whole area of the property to which it would be likely to apply, but that they should exclude property beyond which it was not likely to apply. Therefore it was that the area was fixed in the case of the Strand Improvement Bill of 1890, within which it was proposed the arbitrator should have power (if he could find this enhancement of value) to impose a contribution, but beyond which he should not have power to go.

95. You did not suggest any principle by which the likelihood on which your line was drawn could be determined?—The only principle I could suggest was to take the maximum area over which, in the opinion of the technical advisers of the Council, it was possible that some special enhancement of the value might extend which should be due to the improvement. That area, as a matter of fact, is represented by the red line which your Lordships may see on this plan (*placing a plan before the Committee*). The proposed street is shown in dotted lines; the land over which the compulsory purchase would extend is shown, coloured blue, and the area containing (so to speak) the function of the arbitrator is indicated by the red line.

Chairman.

96. The area extends on the south to the Thames, and on the north to Lincoln's Inn Fields practically?—Yes; roughly speaking.

97. And from Temple Bar on the east to Wellington-street on the west, roughly speaking?—Yes.

Marquess of *Salisbury.*

98. Does any record exist of the principles which dictated the peculiar shape that line has assumed?—I am afraid that is rather due to the exigency of the draftsman. It was necessary to draw something, and it is always very difficult to define exactly in words a given area, and we had to take a line following certain streets. It would, of course, have been possible to take a radius or something of that kind.

99. Was there any proposal that Her Majesty's Government should pay for the probable betterment of the Law Courts?—That was considered, I know. I would rather perhaps that the Chairman of the Parliamentary Committee of the Council, who is more familiar with the principles which actuated the Council, should give your Lordships explanations upon that point.

Chairman.

100. The red line carefully avoids Somerset House, on which the same question would arise?—I should say the practical reason for that was this: it is obvious that there can only be a valuable increase, so to speak, to persons who can avail themselves of it. It was suggested that inasmuch as Somerset House could not be sold it would not be improved in value. It would not be made more appropriate for the purpose for which it is used.

Marquess of *Salisbury.*

101. There is nothing to prevent the owners of Somerset House from selling it, is there?—Perhaps we were apprehensive of endeavouring to place a charge upon Her Majesty's Government. The Chairman of the Parliamentary Committee of the Council will be able to deal with that particular point better than I can.

Chairman.

102. My question was rather directed to the point whether it was intentionally done for the purpose of avoiding Government property?—Speaking from my own recollection, I think that was actually discussed a good deal by the members of the Parliamentary Committee at meetings which I attended.

Marquess of *Salisbury.*

103. I understand it does not include the Middle Temple; you apparently avoided all dangerous antagonists?—We endeavoured to avoid all formidable opposition we can in these cases; the Temple's opposition is very formidable to us.

Earl of *Onslow.*

104. Will you tell us what the Parliamentary Committee said in their Report about the area that you had selected?—The Report of the Committee on that point is this: "The Bill also contained clauses by which it was proposed to levy contributions upon a certain area of property in the neighbourhood of the improvement, which, it was alleged, would be increased in value thereby, in the form of rentcharges to be fixed by an arbitrator on each house or property after the improvement is carried out, with the proviso that the capital value of the total contribution thus to be levied should not exceed one-half of the cost of the improvement. The property included in this area, called the 'betterment area'" (it was not so called in the Bill), "virtually extended from the Thames Embankment to Lincoln's Inn Fields, and from the Law Courts to Somerset House. The Committee are of opinion that no appreciable increase of value would accrue by carrying out the proposed improvement to any houses other than those on the north side of the Strand, fronting the improved and widened street, and forming a very small portion of the 'betterment area.'"

105. That was the verdict of the Committee on your scheme?—That was the evidence that was put before the Committee by the Council as well as other competent witnesses. It never was supposed that all the property within that area would be improved in value.

Marquess of *Salisbury.*

106. Then why did you put it in?—The reason why the limits were put in was to save parties who really would not be affected by the Bill from the cost and the difficulty of having to petition against it.

107. But I understand you to say that your limits included parties who fell within that definition?—I have endeavoured to explain that the whole object of that was to save parties whose properties clearly, in the opinion of the then advisers of the Council, would not be benefited, from the expense of having to oppose the Bill. It never was suggested in the Bill, or anywhere else, that everybody within that area would have a charge placed upon his property.

108. Did I not understand you to say just now that a large number of persons within that area would certainly not have a charge placed upon them?—That was the general tenor of the evidence, or at all events a certain number.

Earl of *Onslow.*

109. Might not any owner within that area have had a charge placed upon him?—Not unless there were an increase of value.

110. Supposing the arbitrator were to say that in his opinion their property had been increased in value, might not any owner within the limits of that plan have had the betterment charge placed upon him?—Yes; but I would like to explain that point in this way: if the arbitrator were satisfied, after all the various proceedings which were provided for by this Clause 28, that there was an increase in value, in consequence of the improvement, then he would be able to fix the charge accordingly.

111. But the Committee of the House of Commons were of opinion that "no appreciable increase of value would accrue to any houses other than those on the north side of the Strand"?—That was so.

112. Therefore they were of opinion that no increased value would accrue to any of these other houses within the limits of deviation which might have had a charge put upon them?—That was the conclusion.

Duke of *Norfolk.*

113. You say you also agreed with the Committee from the commencement that there were persons included within the limits that would not be benefited?—Yes.

114. They might be liable as being within the limits, but they would not be benefited?—The Bill, as then framed (I may remind the Committee that we are now alluding to the first proposition, which has been very materially modified now), provided that there should be a rent charge fixed and ascertained in the manner provided by the Bill; that was that an arbitrator should be appointed by Her Majesty's Principal Secretary of State for the Home Office to proceed for the purposes of the section.

Marquess of *Salisbury.*

115. Will you read the operative words; I mean the words showing whether the improvement had been or was to be desired. You used words indicating that the arbitrator would only recognise improvements which had actually taken place at the moment of the arbitration being held. I want to know what the precise words of the Bill of 1890 were?—Under the Bill of 1890 it was provided that the Council should "cause to be framed a provisional award describing the lands and premises abutting on or in the neighbourhood of the improvements which, in their opinion, are or will be increased in value by or in consequence of the improvement."

116. "Will be" is included?—Yes. By that award

Marquess of *Salisbury*—continued.

award it was proposed that they should state the amount of increased value, and how the charge in respect thereof should be apportioned; then notice should be given of this proposed award; notice is given to everybody concerned, and a certain time is given for everybody to give notice of objection to the award.

Lord *Belper.*

117. Is there any limit to the increased value that should be put upon it by this Bill?—Not by this Bill, except this, that the total amount of the contribution was not to exceed one-half of the cost of the improvement.

118. That would not prevent an individual owner having to pay a great deal more than half, would it?—He might have to pay more than half the actual increment of the value of his own property.

Lord *Zouche of Haryngworth.*

119. Having regard to the expression "will be," was there any limit of time within which the improvement was to take place?—The proposal then was that it should be left entirely to the arbitrator to determine, subject to the provisions for objections to the award which are contained in the clause.

Earl of *Denbigh.*

120. Supposing the Bill had passed; if after the arbitrator had fixed a certain improved value, and the Council had assessed its tax, there was a great rise in the rental of a house, was there any proposal for the Council to make any further increased tax over and above the rate of the assessment?—No. No doubt the intention of the proposal was that the arbitrator should exercise his discretion as to what was the actual increase to the value of the property in question, by reference not only to the immediate increase, but to such increase as in the opinion of the arbitrator would clearly result to the property from the improvement.

Earl of *Onslow.*

121. At any future time?—At any future time.

Lord *Lingen.*

122. Would the arbitrator's work begin before the improvement was executed?—Your Lordship will forgive me for referring to the clause on that point, because the clause has been since altered in various respects, and we are now dealing with the old Bill of 1890.

123. I am referring to the Bill you have been speaking of hitherto?—The provision of the Bill of 1890 was that "The Council shall as soon as conveniently may be (not later than three years after the completion of the improvement) cause" an award to be framed.

Chairman.

124. If I understand you rightly, that was once for all; there was no power of altering (apart from any question of appeal against the award) the assessment once fixed?—No; because the question for the arbitrator to determine was what had practically happened. Of course, he might be wrong, but whatever he decided

Chairman—continued.

was a definite conclusion, and it was not proposed it should be increased in consequence of any subsequent enhancement of value over and above that which the arbitrator had anticipated.

Marquess of *Salisbury.*

125. You said the arbitrator would determine what had happened, but the arbitrator's function was partly historic and partly prophetic, was it not?—The arbitrator would have to do what everybody has to do who is considering the question of valuation or the price of property; he would have to consider not only what was the exact immediate value of the property, but what was the prospective value of it; especially having regard to this particular improvement.

126. Do you know of any cases where prospective value, in consequence of any particular improvement, has been assessed; I am not speaking of prospective value generally, but of prospective value in consequence of a definite improvement?—Does your Lordship mean under any Act of Parliament?

127. You spoke of it as a general practice; I want to ascertain on what particular instances that impression of general practice is based?—I was thinking of the ordinary case of valuation.

128. That would be in regard to general improvements; my question is, do you know of any case of prospective increase of value arising out of a particular improvement?—No; but I would suggest that, supposing any particular improvement were authorised by Parliament and not completed, and whilst the arrangements were in progress for its completion, a purchase or sale takes place of a property in the neighbourhood, the vendor, of course, considers in determining what he will take what, in his opinion, would be the ultimate increase of value to result from the improvement.

129. He necessarily takes a shot?—He necessarily takes a shot. It is a matter of estimate which everybody forms in such cases.

130. If they are forced to do so?—Yes.

Chairman.

131. I am sorry to take you back for a moment, but I do not quite understand the object of your red line. You mentioned that it was intended as a limit, a limit for what? I understand that a good deal of the land included within the red line was not likely to be improved?—The red line was drawn at the limit beyond which it was intended to be quite clear that the arbitrator's power to assess the improvement should not extend.

132. That I understand; but what I wanted to know was this: What was the object of including in that red line a considerable quantity of property as to which, I understand, nobody ever suggested there could be any improvement?—I do not think, as regards what was included at the time, there was then any actual suggestion that there would or would not be improvement. The question, at the time the limit was drawn, of whether any individual properties were, or were not likely to be improved, had not, and could not, be fully investigated. What was considered

Chairman—continued.

was not merely the actual area of the probable enhancement of value, but the maximum area within which it was reasonable that the arbitrator's functions should be operative.

133. But I am afraid I do not quite follow you at present. I am not familiar with the Bill, but I presume that all within the red line would receive notice, and be called upon to express either assent to or dissent from the intended rate to be levied upon them?—No, there was no notice served upon the owners and occupiers of the property within that red line other than the notice they would get from reading the advertisement published in the newspapers.

134. Then what was the operation of the red line?—It made it clear in all the notices published in the newspapers that the particular operation of this clause could not extend beyond the red line.

135. Supposing a person complained that the red line included his property, and there was no possibility of his property being improved, what could he do?—He could petition against the Bill.

136. Then under those circumstances you did place upon some of the people within the red line at all events the necessity, if they thought proper to protect their property, of petitioning when, in the view which you now give, there was no possibility of their property being assessed to this additional rate?—I think your Lordship will see it would be really impossible in the preliminary stages of a proposal of that kind to go into the question of the actual existing value of every individual property and the probability of increase.

137. Was there any limit in respect of proximity of property, or any limit, that is capable of being stated as any abstract principle under which that line was drawn. I do not want to press upon you if there was no principle, but if there was any principle I should like to hear what it was?—I was rather in the position of endeavouring to draft for the Council clauses to give effect to the proposal. The matter was very fully considered by the Parliamentary Committee, and the principle your Lordships will probably get better from the Chairman of that Parliamentary Committee, who devoted special attention to this point.

Marquess of *Salisbury.*

138. You were only responsible for recommending that some line should be drawn; you did not say that?—I admit the line was arbitrary, and it could not be otherwise than than arbitrary; but I had in mind in recommending it the fact that it was simply a limitation of the area with a view to saving considerable trouble and expense in petitioning. I may have been unfortunate in getting included within the line some owners of property who had to petition and who could never have been affected by the Bill.

Chairman.

139. But we have had it from you that the Council never anticipated that all the property that was within the line would be benefited?—Yes.

Earl of *Onslow.*

140. You stated that that was the maximum area?—Yes.

141. In your opinion nobody outside that line could have received benefit from the improvement?—I did not go into that question, and those who advised the Council about the property, I presume, will have expressed the opinion to the Council that the area of improvement would not extend beyond that line.

142. Your instructions were to draw a line to cover the maximum area within which the possible improvement could apply?—Yes.

143. Has that been adopted in the case of every subsequent Bill that has been introduced into Parliament?—No, it has not. We have been in the unfortunate position of the man who tried to please everybody, and we have ended by pleasing no one. We abandoned that scheme in the next Bill which we brought before Parliament and tried another one.

144. And then you abandoned that in a third one and tried another scheme?—Yes.

Chairman.

145. If you have finished all you have got to say about the first Bill, perhaps it would be more convenient you should take the Bills in order and go on with the next.

Earl *Cowper.*

146. You tell us that three years after the improvement was finished the arbitrator was to settle in each case what the increased value was, that is to say, present as well as future; at an interval of three years after the improvement was made, would there be likely to be many cases in which there would be a future benefit as distinguished from a present benefit?—I should have thought the whole of the prospective benefit would be realisable at that time.

147. What was the object of putting in something that refers to future as well as to present?—I think it was rightly put in as a matter of drafting, to make it quite clear that the arbitrator would not only be entitled, but would be bound to take into consideration the prospective increase in the value as well as the immediate.

148. But are there not very few cases in which there would be prospective value as distinguished from present value three years after the improvement was made?—I think that would be so. There would probably be some in which the development of the increase in value might have been for some cause or other retarded, and might be later than in others.

149. Do you attach much importance to keeping in that part of the clause which refers to future improvement as well as to present improvements; would it not be as well to drop that?—Speaking really as a draughtsman, in order to give effect to the object that the Council have in view in their present clause, and in that clause I think the arbitrator ought to have power to take that into consideration.

150. Would it not give rise to very great apprehension, and a sense of possible injustice, to keep it; was it worth incurring all that?—I do not see that, myself, it does so; I think it does not. I think, as I ventured to suggest just now,

Earl *Cowper*—continued.

now, if I were going to purchase property in the neighbourhood I should certainly consider what would be the ultimate enhancement in value, if there were any; or if, on the other hand, I were going to sell property, I should equally consider not only what was the actual then appreciable result of the improvement, but what would be the result in future.

Marquess of *Salisbury.*

151. Would the grounds upon which you form this judgment be of a sufficiently definite character to justify you in imposing them upon a third person who did not share your views?—That would be a question for an arbitrator. There would be no imposition on a third person unless the arbitrator after fully considering the whole facts of the case came to the conclusion that it was shown either that such improvement had actually arisen or that he could perfectly well see that it would arise.

152. Whatever judgment of the future he formed must be formed on very precarious foundations?—I think that fact might very likely operate prejudically to the London County Council who desire to get the charge imposed. The arbitrator would certainly be unwilling to impose the charge if he felt any doubt about it.

Lord *Thring.*

153. Do you understand that you did not give notice to each of these gentlemen within the limits whose property might possibly be taxed, and that they only learned the fact of the Bill being brought forward from the advertisements?—That would be so. That was one of the difficulties in framing this area, because one had to give notice in the newpapers of the area within which the arbitrator's functions would extend, and one could not introduce a plan into the newspapers which would be understood by people who read the advertisements.

154. Was no objection taken under the Standing Orders that you could not place a charge upon a man's house without giving him previous notice, and ascertaining whether he assents or dissents from the Bill as you do with occupiers and owners?—There is no provision in the Standing Orders of either House of Parliament which requires individual notice to be given to a person that would affect him in the way you suggest.

155. Under the present Standing Orders if you take the smallest portion of a man's house or property, though it may be next to nothing, you are bound to give him special notice; but according to what you say now under our Standing Orders you may tax a man's property to any extent without a special notice?—That is so; that is the effect of the Standing Orders of both Houses of Parliament. The Standing Orders require that notice should be given in certain special cases, all of which are indicated in the Standing Orders.

156. And not in the case of putting a special charge upon a man's property?—No.

157. Then, in fact, you may charge any amount upon my property under the Standing Orders without any special notice being given that your Bill would do so?—Yes, without special notice being given to your Lordship individually; but, of course, notices must be given of the objects of the Bill in the manner in which all Parliamentary notices are given.

Lord *Thring*—continued.

158. Under the Standing Orders the owner or occupier must have some notice given him, and his assent or dissent must be demanded; but if you put a charge to any amount upon a house, instead of taking the house or a small part of the house, I understand you to say that our Standing Orders do not require a special notice?—That is the fact.

Chairman.

159. That is applicable to the Standing Orders of both Houses, is it not?—It is.

Marquess of *Salisbury.*

160. Has that been ascertained by a decision of the examiners?—I think we understand that matter so fully, as a matter of practice, that there could be no question about it.

Lord *Thring.*

161. The point has not taken at all?—No.

Chairman.

162. What is the Standing Order to which Lord Morley referred when he told us that the Betterment Clause in the Cardiff Corporation Bill was struck out because there was a non-compliance with the Standing Order?—I think that there it was held the notices which had been published in the newspapers did not adequately explain the provisions of the Bill itself.

163. What his Lordship referred to was, then, the notice in the newspapers, not the notice to individuals?—I did not hear what his Lordship stated; but I do know, as a matter of fact, that that happened in the case of that Bill.

Lord *Thring.*

164. Of course I need not ask you whether it is not the case that the usual notices by advertisements inserted in the newspapers for railway or improvement schemes are scanned by very few people indeed, as a matter of fact; it is the special notices that are relied upon?—I do not know how many people read them, but I think the professional classes are aware that at that time of the year all notices of Parliamentary schemes are given in the newspapers, and that they really do look at the papers, especially at the London newspapers.

Marquess of *Salisbury.*

165. The district included within your red line was inhabited, was it not, by other than the professional classes?—Yes; but I meant all those who advise owners of property.

166. Do you think everybody within that area has a solicitor to advise him?—I do not know that that would be so; I think a good many would have; but over and above that, there is no doubt there was abundant notice of this particular proposal to all the London public; there cannot be any question about that in that case.

Lord *Thring.*

167. Do you mean to say in your opinion it is abundant notice to a poor man who has a small house in Wych-street, or wherever it may be, that a long advertisement is put into the newspaper, stating that his house will be within the limits of a certain arbitration?—I think myself the Standing Orders of the House of Lords as to notice are adequate and ample.

168. On this point?—I feel quite certain from what I know of this case that nobody, I was going to say, who was affected by it, would have failed to have notice of it. At all events, practically the whole area was represented, and fully represented before the Committee.

169. That may be; perhaps it is not necessary to pursue the question any further. I cannot agree with you at all. It has nothing to do with the principle of the present case, but it is rather a question whether our Standing Orders give sufficient notice to a person that his house is going to be charged by an advertisement which all of us know is almost untelligible to anybody?—I may perhaps assist your Lordship by saying that under the more recent proposal the London County Council, influenced to some extent by the very consideration which his Lordship has referred to, proposed to confine the area within which the improvement charge would be operative to the actual limits to which the power of compulsory purchase extended, so that every individual would get notice of it.

Chairman.

170. Is there anything else applicable to the Bill of 1890 which you wish to add?—Not unless the Committee wish any explanation of the details of the clause. Perhaps they would rather reserve the details for consideration upon some other clause than this which is, one may say, of only historical interest.

171. It may be of importance to know in what way it has been modified?—Perhaps I should best explain that by proceeding to the next Bill.

172. It would be convenient if you would hand in the clauses in the different Bills, so that they might be printed and be before the Committee?—I will do so. (*The clauses are handed in.* Vide *Appendix.*)

173. Will you now proceed to the next Bill?—In the year 1892 the Council introduced a Bill dealing with an improvement which was called, for the purpose of this Bill, the Cromwell Road Bridge Improvement. That was rather a peculiar case, because there it was admitted, I was going to say, at any rate, but it was quite clear that there must be an improvement in the value. I may just explain what the circumstances were, so that it may be on the record. The proposal of 1892 was to construct a bridge across the West London Railway and the Metropolitan Railway. Cromwell-road, extending westward to West Cromwell-road, ends at a point called Warwick-road, and there is no direct way from the west end of West Cromwell-road of getting over that broad expanse of railways. Those who wish to cross the railway and go westward must either go some distance northward to find a bridge, or southward to find another way across

Chairman—continued.

the railway, and the proposal was (a proposal which has been several times discussed and considered in the neighbourhood) to construct a bridge over the railway which affords a direct communication between the west end of Cromwell-road and the large area of property lying to the westward of those railways. The fact that there was no direct communication from that land into London operated very prejudicially to it, and it was admitted that any bridge such as proposed which would bring that land into direct communication with London must increase the value of the property. After some discussion it was proposed in that Bill that the whole cost of that particular improvement should be divided into thirds; one third of it should be defrayed as an ordinary metropolitan improvement, that is to say, as a charge to the county ratepayers; one third by the parish of Fulham, charged upon the parochial rates, and one third of it should be assessed in the form of a charge upon the owners of property within a given radius of that improvement. This little key-map explains it (*producing a map*).

Marquess of *Salisbury.*

174. You have got a more symmetrical line in this instance?—Yes, we tried another plan.

Chairman.

175. The radius seems to be about a mile one way and half a mile the other way, so far as I can scale it roughly?—I believe it was a radius of half a mile; I am not sure. Upon that point, again, Mr. Charles Harrison will be able to explain the reasons that led to that better than I can.

Earl of *Onslow.*

176. Was that the maximum area benefited?—Yes.

177. The same as in the last case?—Yes.

Marquess of *Salisbury.*

178. Is it your impression that the people who use the bridge are mainly those who live within a mile of it?—Not altogether. Of course to a certain extent it would be what we describe as a metropolitan improvement for the advantage of the metropolis as a whole, and in consideration of that advantage one-third of the cost was put upon the metropolis as a whole. One other third was proposed to be put upon the parish, because it was the parish most particularly benefitted; and the other third was proposed to be placed upon the owners of property in the neighbourhood which would be benefited; but it had this distinction from the other proposals, that the function of the arbitrator in that case would have been limited to making the most fair apportionment which he could make of one-third of the cost among the owners of property.

179. Does your official recollection take you back to the time when the tolls were taken off Waterloo Bridge?—I acted for the Metropolitan Board of Works in connection with the Act which extinguished them.

180. Was there any suggestion there that the persons in the immediate neighbourhood had any special obligation to defray the cost of the bridge?—In

Marquess of *Salisbury*—continued.

—In that case all the toll-bearing bridges in London were placed together and dealt with together, and it was regarded as entirely a metropolitan question.

Earl of *Onslow.*

181. In fixing this area were you instructed or were you advised that this was the maximum area, and that nobody outside that area was likely to be specially benefited?—I think that was the advice given to the Committees of the Council by their valuer.

182. In the former case there were properties included within the area which, in the opinion of the Council, would not be benefited; but in this case there was no property within the area which would not, in their opinion, be benefited?—It was not proposed that there should be any arbitrary declaration by this Bill, any more than by the last, as to what properties within the area were improved, and in what proportions. It was merely proposed to leave the whole thing to the arbitrator after hearing all the facts of the case upon the evidence to determine.

183. I want to get at what the difference was between this Bill and the Strand Bill. As I understand, in the case of the Strand Bill, any owner of property within that area might have his property selected by the local authority on the arbitration set up to enquire whether he was specially benefited or not?—That was so. It was open to the Council to frame a draft award in the first instance, and submit it to the arbitrator appointed by the Government Department.

184. In the case of the Cromwell Road Bridge scheme, instead of taking an isolated property and deciding how much accrued to them, the intention was that one-third should be assessed upon properties within that area; was not that so?—Yes; perhaps I had better read the provisions in the Bill.

185. I want you first to explain to the Committee what the differences between the two schemes are. There was no definite sum fixed to be charged upon property upon the Strand in the Strand Improvement Bill?—That is so.

186. But there was a definite charge in the case of the Cromwell Road Bridge scheme?—Yes.

Chairman.

187. One-third was to be raised somehow out of that area?—One-third was to be charged, as you suggest, out of that area. The words of the clause are: "Regard shall be had to the greater or less degree of benefit which, in the opinion of the Council or the arbitrator, will be derived by any lands or premises from the improvement." In fact, it was assumed to start with that there would be an improvement to the extent of one-third, and the arbitrator was to apportion it.

Earl of *Onslow.*

188. Upon the properties within that area?—Yes.

189. In the Strand Bill it was assumed there would be an improvement to property within that area?—Yes.

Earl of *Onslow*—continued.

190. But the Committee to whom that Bill was referred (the Chairman of which was Mr. Fowler) decided that in their opinion this maximum area to be benefited would be one street and one side of one street; was not that so?—Substantially it was so. You have the actual Report of the Committee before you. I read the words. They were "of opinion that no appreciable increase of value would accrue by carrying out the proposed improvement to any houses other than those on the north side of the Strand fronting the improved and widened street."

191. That is to say, your maximum area, which you then believed to be benefited, was shown on the plan, and the maximum area which the Committee believed would be benefited was one side of the street?—Yes.

Chairman.

192. I think we have not got it quite accurately yet; as I understand, in the original Strand Improvement Scheme it was not assumed necessarily that any improvement would take place. All you did was to leave it to the arbitrator to find if there was improvement?—That is so.

193. In the second case the Council themselves determined that there was improvement, and the only question left to the arbitrator was its distribution and proportion; is not that so?—That was so. But if I might further explain that, I would say that it was contended by our opponents with regard to the Strand Improvement Bill, that we did imply that there must be a charge upon property to the extent of one-half the cost of the improvement. But I do not think that was so. It never was intended. I think it would have been open to the arbitrator to come to the conclusion that either there was no improvement at all, or, in fact, to come to the exact conclusion that the Committee on the Bill arrived at, namely, that there was some improvement with regard to the particular area. But the Cromwell Bridge case was a very exceptional case.

Earl of *Onslow.*

194. Was there any expression of opinion given by the Committee which considered the Cromwell Road Bridge Scheme, as to the area likely to be benefited?—In the Report on the General Powers Bill the Committee made no special report: they merely reported that the Preamble of the Bill was not proved. As your Lordships see, this case of 1892 was a very exceptional case. There had formerly not only been an application for an Act, but that Act had been passed at the instance of the owners of this property for the purpose of authorising just such a bridge as was proposed to be made. They had themselves gone to Parliament, and had recited that the bridge would be of great value, and had obtained from Parliament power to make it for the benefit of their own properties. And not only that, but the London County Council were very much urged, if I remember rightly, by the locality, to proceed with this scheme, as it was rather in the nature of a special bargain. The

Earl of *Onslow*—continued.

London County Council came to the conclusion on those terms that they would make this improvement.

Marquess of *Salisbury.*

195. Did the owners included in the area take part in the bargain you speak of?—They did not take part in the bargain involved in the Bill which was then applied for. The London County Council being asked to proceed with this improvement, replied that they would do it provided that one-third was contributed by the parish and another third by the owners of property.

196. The owners of property never assented to that proposal?—No; they opposed it.

197. Were they consulted?—I do not know. I would rather your Lordship got that from Mr. Charles Harrison.

Chairman.

198. Did the parish assent?—Yes. There, again, I would rather your Lordship got the history from Mr. Charles Harrison, who knows more about it; but my impression is that the parish urged the Council to undertake the scheme.

Lord *Thring.*

199. Was the Cromwell Road Bridge exactly on all fours with an ordinary local improvement; for instance, if Kensington High-street was to be enlarged, they apply to the county board to give them a certain subsidy, and then they undertake to supply the remainder; is not that the common way of getting an improvement carried out?—A great many of the metropolitan improvements have been made on that principle.

200. Was not that principle applied to this bridge? It was practically a local improvement to which the locality were asked to contribute in the same mode as the parish or any other local body would be asked to contribute to an improvement by the London County Council; it was not strictly a metropolitan improvement, but a local improvement?—It was certainly considered more a local improvement than a metropolitan improvement; and not only more a local improvement than a metropolitan improvement, but partly an improvement to a particular property.

201. It could not be doubted that to make a nearer access over that particular spot was necessarily an improvement to the parish, and an improvement to the locality; you could not look at it without seeing that it was?—I think not.

202. The only question was the quantum that the several persons ought to contribute, the fact of the improvement being practically indisputable?—That was the proposal of this Bill of 1892; it was assumed that the fact was indisputable, and the arbitrator was asked to assess the contribution.

Lord *Belper.*

203. The difference in the case which Lord Thring mentioned is this: that in your case you wished to do it compulsorily without getting the assent of the owners; whereas in the case of local improvements, the owners assent to contribute before the local authority puts down the sum?—There is no consent on the part of the owners. Where the improvement is of such a character, that in the opinion of the governing body it ought to be defrayed, partly as a local and partly as a metropolitan improvement, an arrangement is made between the London County Council on the one hand, and the district board having charge of the parish on the other hand.

Lord *Belper*—continued.

204. I quite understand that as regards the authorities, but not as regards the owners. In counties it is constantly the practice that the locality and the county will contribute something, if in the first instance the proprietors in the neighbourhood will contribute so much voluntarily to start it. In this case the owners did not do so, did they?—No, I do not think there was any agreement; certainly there was no agreement between the owners as a whole in this locality that they should be subject to any contribution.

Marquess of *Salisbury.*

205. On what grounds was the southern part of the property included in this contributory area; because the only effect upon people there was to take the traffic away from them to the north, so that the people on the south would be distinctly poorer for the alteration?—My functions were confined to drawing the Bill.

206. You did not go into that?—I do not understand questions of valuation.

Chairman.

207. I presume you took the opinion of experts as guiding you upon that matter?—The Council referred the matter to their valuer, and the Committee of the Council who had charge of it very carefully considered the whole thing, and came to their own conclusion upon that subject, as you will hear from them.

208. Can you tell me why it was that this part of the proposal was dropped in Committee; I mean the proposal as to this particular improvement; I see that that part of the preamble so far as related to the Cromwell Road Bridge, was agreed to?—Only on the omission of particular provisions which related to the contribution.

209. That is what I wanted to understand. I have only a sketch of it here, and it does not explain what the amendment agreed to was?—It was only on the omission of the particular provisions relating to contribution.

Marquess of *Salisbury.*

210. You were with the Metropolitan Board of Works at the time they tried to repay themselves for improvements by the principle of recoupment, were you not?—Yes.

211. The area which they generally took corresponded very much, did it not, with the area which was decided by the Committee to be improved in the case of the Strand improvement; the houses, that is to say, on the north side looking upon the street?—In each case where the Metropolitan Board of Works applied for power to

Marquess of *Salisbury*—continued.

to make a street improvement they certainly considered what portion of the adjoining property it might be desirable to take with a view to recoupment.

212. It was generally the property looking upon the street, was it not?—Yes.

Lord *Thring.*

213. The only difference between recoupment and betterment, in principle, as I understand, is this: that under the principle of recoupment a particular house, we will call it House A, might be bought by the London County Council with a view to reselling it at such a price as reasonable people might pay; whereas in the case of betterment the same house would be charged with a particular charge instead of being liable to be sold by the London County Council?—Yes. If I might explain that a little further, I would say that, of course, if a particular property had to be bought in the first instance, all the interests in the property must be acquired, the freehold interest, the leasehold interest, the occupation interest, and the trade compensation, and in the case of London property those added together form a very considerable item; and taking property in that way results in the trade being destroyed and compensation paid for the extinction of the trade. That is the reason, I apprehend, why in all these cases a recoupment failed.

214. It did not pay in fact?—It did not pay. Under the system here the result will be that the particular trade interest, whatever it might be, would remain in existence without disturbance. If there were any additional increment in value or interest in the property, that would become liable to contribution.

215. In the one case the property would be liable to be sold for the benefit of the Promoters of the Bill, and in the other it would be liable to be charged for the benefit of the Promoters of the Bill?—In the one case, it might have to be acquired, first of all, at a very extravagant figure by the Promoters, and then afterwards there is nothing to sell except the bare land; the trade is destroyed, and there would be nothing to be got back.

216. Surely that could not be so, because the recoupment clauses were put in by the Promoters of the Bill with a view to their own particular profit, and they selected particular houses that might give a profit, otherwise there would have been no recoupment clauses put in. Do you say that the Promoters knew that they would not get a profit?—They did not know it at the time; they hoped they would get it, but experience proved they could not.

217. That is not the question I asked: I did not ask whether they would get a profit or not, but I asked whether the difference was not in fact this: that in the one case the house is liable to be sold, and in the other liable to be charged?—That would be so. In the one case the property would have to be bought, and then afterwards resold at a profit or a loss, and in the other case it would be liable to be charged.

Earl of *Onslow.*

218. Is there not this great difference between betterment and recoupment: that in the case of betterment you put a charge upon the house for all time, whether the property falls in value or not; and the loss, if there is any diminution in value, falls upon the owner; whereas, in the case of recoupment, where the authority purchases the property, the profit accrues to, or the loss falls upon the Promoters?—The proposition which your Lordship puts does not involve the proposal which is made by the London County Council in this Bill. There has never been anything of that kind proposed.

219. I was suggesting the difference between the capital charge with the view of betterment and the value of property with the view to resale?—I know the proposal of the London County Council under this Bill, but what your Lordship is referring to, so far as I follow it, is not what is proposed by the Council. The proposal here is not to put on any permanent charge at all.

Chairman.

220. I think you did not quite follow the noble Earl's question which has reference to Lord Thring's question; never mind the particular proposition before you at the moment. The noble Earl is asking you as to the difference between what is called recoupment and what is called betterment, and, putting it as an abstract proposition, there is no difficulty, is there, in framing a proposition in which those two things can be distinguished?—I think they are very easily capable of distinction.

Earl of *Onslow.*

221. Let me put it another way. The proposal of betterment is to put a capital charge upon a man's property, is it not?—If you call it a capital charge; it is to place him under the obligation to pay a contribution.

222. It is in the nature of a capital charge, and the contribution is in the nature of interest upon that capital charge?—If, for example, you assume the improvement at 100*l.* in value, a man can pay the 100*l.* and have done with it, or if he prefers he can pay three per cent. upon the 100*l.* as long as he likes and pay the 100*l.* when he chooses.

223. If his property diminishes in value after the assessment charge, he still has to continue to pay the 3*l.* a year and suffer loss, has he not?—Unless he has previously paid the 100*l.*

224. Whereas in the case of recoupment if there is any subsequent loss, that subsequent loss falls upon the purchasers, that is to say, the London County Council?—Certainly.

Earl of *Denbigh.*

225. You said if the improvement was 100*l.*; do you mean if the proportion of the improvement to which the man is assessed or the total amount of the improvement is 100*l.*?—Under the proposal in our present Bill one-half only of the improvement is proposed to be made a charge; that is to say, if a man has a property which is worth 1,000*l.* now, and that property is increased in value to the extent of 100*l.*, one-half of the

Earl of *Denbigh*—continued.

increment, namely, 50*l.*, would be payable by the owner, and the other half would go into his own pocket; that is our present proposal.

226. You were speaking just now of trade compensation. The assumption, as I understand, has been all through that every property would be increased in value by the municipal improvement. But was there any consideration in drafting this Bill with regard to providing any trade compensation to a man, say, up a side street, who might find the whole of his trade diverted from his shop on account of a large improvement round the corner, and the erection of large new shops there?—Yes, that subject was very fully considered. Of course, every person is liable to be affected by any improvement in the City at any time. If he is injuriously affected within the meaning of the ordinary law, he receives compensation. But if he is not injuriously affected, he does not receive compensation.

Chairman.

227. That is the ordinary law; we are dealing now with the law you are introducing. Is there not a little fallacy in comparing the ordinary law which does not give compensation, and applying it to the case where you are making a law which does not at present exist?—I would venture, with your Lordship's permission, to answer the question as the draftsman of the clause, because the members of the London County Council will explain their own views upon the matter; but I may point out that there is no proposal to alter the law of compensation under this Bill at all. The properties required for the purpose of the improvement would be purchased under the Lands Clauses Act; the persons entitled to compensation would be compensated under the Lands Clauses Act, and there is no proposal to alter that in any way.

Earl of *Denbigh.*

228. Might it not be the case that an injury of that description would not be felt at once, but might be felt some time afterwards?—It might be so, of course; that is the law now.

229. Then it is not included in this Bill, because it was recognised that the ordinary law would include all cases of that sort?—All cases where a person is entitled to compensation for being injuriously affected.

Earl of *Onslow.*

230. As we have entered upon this subject, I should like to get from you what is the present law upon the subject; is it not the case that no person can be held to be injuriously affected unless by Act of Parliament; you deprive him of some right which he would otherwise have at common law?—The law of compensation is, of course, very complicated and difficult. There is a distinction to be drawn between the case where a man is entitled to compensation under the Lands Clauses Consolidation Act and where he is not, although he may be injured to some extent.

231. Confining yourself to the case of a man injured by a street improvement, is it not the fact, however much that man may be injuriously affected (using the words in the ordinary popular sense) by a street improvement, he has no claim, unless he would have been entitled to compensation under the ordinary law, but for your Act of Parliament?—I think that is scarcely a correct definition of the law.

Earl of *Onslow*—continued.

232. Will you state what the correct definition would be?—If the man is injuriously affected within the terms of Section 68 of the Lands Clauses Consolidation Act, he would be entitled to compensation, but that is the section which gives the right to compensation. No doubt there have been very many legal decisions, and some of them most difficult decisions, upon that section as to the extent to which a man is entitled to compensation. There have been many cases where persons have fancied they were injured and have claimed compensation, and it has been found either that they have suffered no injury that was capable of compensation, or that their claims were overstated.

233. Do I understand you to say that a man is entitled to prefer a claim of compensation where he is injuriously affected, though he would have no right under the common law to make the claim?—No; we are all agreed that there are or may be cases where a person would sustain some injury by reason or in consequence of the construction of some public work where he would not under the ordinary law receive compensation, because he would not be "injuriously affected" within the meaning of Clause 68 of the Lands Clauses Consolidation Act.

234. Let me take as an illustration a case which is constantly referred to in connection with this question, namely, the Putney Bridge case. In that case a man was held to have a claim to compensation because you stopped up a thoroughfare which, but for that Act, you would not have had the right to stop up; therefore you had to compensate him; is not that a correct description of what happened there?—That sufficiently accurately represents the facts.

235. If you had not stopped up the thoroughfare beyond the man's house, although he might have been very injuriously affected in the ordinary sense by your new bridge, he would have had no claim to compensation?—Supposing, for a moment, that the man suffered from injury which was not due to any construction of the works, but to something else, though it may be an indirect consequence, he would not be entitled to compensation under the existing law.

236. Supposing you had not pulled down the bridge beyond his house, but left that bridge and constructed your new bridge and thereby diverted the traffic, or the great bulk of the traffic, from his house, he would be injuriously affected in the ordinary sense, though not in the legal sense, but he would have no right to compensation?—These questions of compensation raise, of course, very difficult questions upon which I could only give an individual opinion.

237. Was not that the point decided in the Putney Bridge case?—It was decided in the Putney

Earl of *Onslow*—continued.

Putney Bridge case that the man was entitled to compensation because he had suffered injury from the construction of the works.

Chairman.

238. Is not really the clue to the whole matter that he had suffered a wrong to a legal existing right. If there is no wrong suffered to a legal existing right there is no right to compensation. That is so, is it not?—I think it is so. As a matter of law if the old bridge had remained, and the new one had been placed by its side, although the man might have suffered injury I do not think he would have got compensation; but I am afraid my legal opinion is of very little value.

Earl of *Onslow.*

239. Does not it come to this: if in the new street as constructed, thereby a person who is living in the street which was formerly a main street is injuriously affected by it in the ordinary sense, not in the legal sense, he would have no right to compensation for what is called worsement?—I do not think he would, but I would rather you asked the question of some one more competent to speak than myself upon that point.

240. I ask you the question because you are the legal adviser to the London County Council?—I draw their Bills, but I am not their legal adviser.

Chairman.

241. Can you tell the Committee what the exact amendment was which was carried with regard to the matter of the bridge, which induced the Promoters to withdraw that part of the Bill? I have it here in terms, but as I have not the Bill before me, I cannot apply it exactly?—The decision of the Committee was given in these terms: "The Committee have considered this question of the betterment, as it is called, and they have come to the decision to omit the word 'both' in line 4, page 2 of the Preamble, and the words 'and all persons interested in property near the western foot of the bridge.'" The effect of that was to strike out of the Preamble of the Bill that part which related to the particular clause.

242. That is to say, the one-third charged upon the owners?—The whole of the clause the Committee struck out. Then the result of that was that the arrangement adjusted between the London County Council and the parish concerned was so much altered that the London County Council felt that they could not proceed with that part of the Bill, and they abandoned it. That was explained to the Committee in words which, if the history of this transaction is to be recorded, might, I think be quoted. They are as follows: "The difficulty," said the Counsel for the London County Council, is this, "The decision practically leaves the contribution from the general rates where it is, but it casts upon the vestry of the parish the responsibility of an additional third of the cost which they had not contemplated as their contribution." The effect of the decision of the Committee

Chairman—continued.

would have been that this one-third, which under the original scheme was to be found by the owners of property, would have to be found by the vestry of the parish, so that the parish would have found two-thirds of the improvement and the London County Council one-third. "In communication with the Vestry," the Counsel proceeds, "we find that their attitude is that whatever ultimately may be the feelings of the inhabitants of the entire parish as the result of further negotiations and consideration, at present they are not in a position to assent to the expense of any arrangement which would involve the payment by them of two-thirds of the cost. So that taking it altogether we have come to the conclusion that it would not be possible for us, consistently or logically, to proceed with this part of the Bill any further. I am anxious to make this statement, because I should not like it to be supposed that the Council petulantly withdrew an improvement simply because a Committee of Parliament did not happen to agree with their view, or the mode in which the cost should be provided for. They still think that it is a very valuable improvement, but the practical difficulties seem to them to be such that they do not see how they can logically or consistently proceed with it in its present shape."

243. I do not quite follow that. You are only giving the history, and perhaps you are unable to answer my question; but why, because the third to be provided by the owners was struck out, would the whole of the two-thirds remaining fall on the Vestry? I do not understand that?—Because the Council, having very fully considered the matter, came to the conclusion that they would not contribute as a charge on the metropolis as a whole more than one-third, and the basis of the arrangement was that the other two-thirds should be provided locally.

Marquess of *Salisbury.*

244. Was no attempt made to induce the other parishes to subscribe, such as Hammersmith, which is close by?—No; I think any of those negotiations with the local authorities involved a considerable time, and it would have been practically impossible, in time to proceed with that Bill, to come to a new arrangement with the local authorities.

Chairman.

245. Then in your view does that dispose of all you have to say in respect of the Bill of 1892?—I think so, my Lord.

246. Then will you be good enough now to come to the Bill of 1893, which is the Bill now before the Committee?—The Bill of 1893, as originally introduced, applied to some considerable improvements which were in contemplation. Those would be the larger of the improvements. This is in fact an application after the original proposal for the widening of the Strand, which was embodied in the Bill of 1890. Your Lordship will recognise at the southern end of this plan similar proposals to those which had been contained in the scheme of 1890. It was proposed to cut a new street right through the centre of this part of London, commencing at South-

Chairman—continued.

ampton-row at its junction with Theobald's-road (Theobald's-road having been already widened as a metropolitan improvement), and extending southward along the line of Little Queen-street through the built-over country to the southward, straight away to St. Mary's Church. There again, when the area was considered, it was proposed that these limits of lands to be acquired should be drawn much on the same lines as if this had been an ordinary recoupment scheme; that is to say, there should be included within these limits those properties which, if the improvement were proceeded with, on the basis of a recoupment scheme, would probably have been made subject to the operation of the compulsory clauses of the Bill. Then the clause as to betterment was so drawn as to extend to all lands within the limits of deviation, or within the limits of land to be acquired.

Marquess of *Salisbury.*

247. But the Bill which was actually before the House does not give that alternative which you suggest. It says: "All lands within the limits marked on the deposited plans as limits of deviation." It says nothing about land to be acquired, does it?—I have before me the Bill as originally introduced.

248. Then that is a modification, no doubt?—Yes. I can explain that. I do not think "limits of deviation" is an accurate expression as applicable to this purpose, but it is an expression which has been used by engineers in drawing their plans. The limits of deviation, of course, as Lord Morley pointed out to the Committee, strictly mean, and ought to be used to mean, those limits within which the centre line of the work should be deviated to the one side or other. It has been very much in the habit of engineers in drawing their plans to use the expression "limits of deviation" as applying to a line which they draw round the area of land which they think it may be necessary to purchase for the purpose of the works.

249. So that it means the limits of compulsory powers?—The limits of compulsory powers; so that on a great many deposited plans the words "limits of deviation" are inaccurately used to express the limits of land to be acquired. In this original Bill of last Session the words "limits of deviation" were used as regards some of the improvements, and "limits of land to be acquired" as regards others; and, therefore, for the purposes of drafting, when the Bill was originally drawn, it was necessary to include both expressions.

250. Then the improvement which you have just explained to us was not the only improvement in the Bill?—No; there were other improvements in the Bill; the Bill, as originally introduced, provided that all lands within the limits marked on the deposited plans as "limits of land to be acquired" or "limits of deviation," as the case may be, in relation to the said improvements respectively, should be liable to have an improvement charge placed upon them. In the course of the proceedings of 1893 the London County Council decided not to proceed with any of the improvements contained in that Bill,

Marquess of *Salisbury*—continued.

except the Tower Bridge Southern Approach Improvement, and on the plans of that improvement the words used were "limits of deviation" and not "limits of land to be purchased"; and, therefore, in amending the Bill, so as to make it applicable solely to this plan, it was necessary to use the words which are written on this plan to describe that line, namely, the "limits of deviation."

251. Have you the plan to which you refer there?—Yes.

252. Do the "limits of deviation" include everything which is printed here? I do not see the line which marks it. Is it the dotted line?—The dotted line, I think, includes all the properties which are numbered and described in the deposited Book of Reference, and all the properties, theresore, over which the powers of compulsory purchase extend; so that in the case of this Bill (referring to the question which Lord Thring asked me) every person whose land was liable to have any improvement charge placed upon it would get notice of the Bill, because the Bill only applied to properties which were described in the Bookof Reference.

253. But the words "limits of deviation" are absurd as regards this property. You cannot make a road go in and out as would be necessary; in order to make these limits of deviation the road would be a mere zig-zag, would it not?—Engineers have used that expression on their plans.

Chairman.

254. I understand, Mr. Cripps, you do not defend the propriety of the phrase for expressing that idea at all?—No, I have often complained that it is inaccurate, but I cannot always get people to agree with me.

Earl of *Onslow.*

255. We may take it shortly that that is substantially the same as the Bill of this year. There is no difference, is there, between the extent of the Bill of last year, and the extent of the Bill of this year?—As regards the Bill as originally introduced, the Bill of this Session is identical with the Bill of last year, and for that reason, even the expression "limits of deviation" was not altered. It was thought desirable, in order to avoid confusion, that even though that expression had been criticised last year, it should be retained for the present in order that the two schemes should be exactly the same.

256. So, then, in dealing with the scheme now before the Committee, we may take it that it is identical with the scheme which was before Parliament, may we?—With the Bill as introduced this year; but there have been some amendments made in the House of Commons. This Clause 37 of the Tower Bridge Southern Approach Bill, as it has passed the Committee of the House of Commons, and is, I hope, about to come up to the House of Lords, expresses the proposition which the London County Council make in reference to this matter, and the precise terms of the clause have also been followed by the Manchester Corporation, so that both the London County Council and the Manchester Corporation

Earl of *Onslow*—continued.

Corporation are submitting, or are about to submit, to the House of Lords, as a method of dealing with this matter, the same clause.

Marquess of *Salisbury.*

257. Has not the Bill been modified in the House of Commons?—This Bill has been modified in the House of Commons. It has been very carefully considered by a Committee in the House of Commons, and the whole subject has been very fully discussed again. The Committee have made some amendments, or suggested amendments, to which the London County Council assented, and I think the amendments tend to make the clause more clear, and express more fully what the Council proposed.

258. Would it be possible, within compass, to let us know what those amendments are?—Yes, my Lord, it would. I should like to interpose the observation that when this clause was first drafted it came under the observation of Lord Morley and Sir Joseph Warner in 1890, and they returned the Bill to me, in accordance with the usual practice, with notes and observations upon it. Some of those observations which criticised parts of the clause which certainly deserved criticism, have been attended to, and the original clause, I think, has been made much more workable and intelligible by the adoption of various amendments which Sir Joseph Warner has from time to time suggested. Therefore, the clause, even as it was introduced last year, and as introduced this year again, differs in terms in several respects from the original clause. I do not suppose your Lordships would care to go into the precise differences, but there are some differences.

Chairman.

259. If it is a mere question of drafting, I should not think it worth while going into it, but if it raises any question which goes beyond mere drafting, I should think it is desirable to know exactly what those points were?—I do not think, if I might say so, that they really involve any questions of principle which your Lordships need consider, although I could get the observations and hand them in at a subsequent meeting of the Committee if the Committee think fit.

Earl of *Onslow.*

260. Are you referring now to the amendments put into the Bill by the House of Commons, or amendments put in on the suggestions of Lord Morley and Sir Joseph Warner?—The noble Marquess asked me a question as to amendments introduced into this clause in the House of Commons recently, and before answering that question I asked leave to explain that, apart from those amendments, some alterations had been made in the clause from the form in which it was originally introduced, in deference to the observations and suggestions of Lord Morley and Sir Joseph Warner.

261. But in addition to that, certain amendments have been put in by the Committee of the House of Commons, have they not?—In addition to that, amendments were put in by the Committee of the House of Commons.

Earl of *Onslow*—continued.

262. Which do raise very important questions of policy, do they not?—I do not think so.

263. I think it would be useful for the Committee to hear what those amendments are?—I was going to give those. One alteration which the Committee introduced into this Bill was an alteration in the preamble or recital of the clause. They made this alteration: "Whereas the improvement will be effected out of public funds, charged over the whole county, and will or may, substantially and permanently increase in value lands in the neighbourhood of the improvement." The Bill, as introduced, was in this form: "Whereas the improvement will be effected out of public funds charged over the whole county, and will or may increase in value or benefit lands in the neighbourhood of the improvement," and so on. So that the Committee introduced the words "substantially and permanently" into the preamble as a justification for the clause which they passed. Then in paragraph 1 of Clause 37, which is the operative part of the clause, they also made an alteration. That paragraph in the Bill, as introduced, ran thus: "All lands within the limits marked on the deposited plan, as limits of deviation in relation to the improvement, but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improved charge placed on such lands, or some of them, in accordance with the provisions hereinafter set forth in respect or in consideration of any increased value or benefit which such lands may respectively derive from the improvement in this Act authorised." That the Committee altered by introducing corresponding words to those. I will emphasise the words added as I read the new clause. The words added are the words "substantial and permanent," and "which it is clearly shown has been or may be derived."

Chairman.

264. Read two lines before that. As it originally stood it was "in respect or in consideration of." Will you read from those words?—It originally stood: "In respect or in consideration of any increased value or benefit which such lands may respectively derive from the improvement by this Act authorised."

Marquess of *Salisbury.*

265. How do you interpret the words "may be" introduced by the Committee of the House of Commons? Do you interpret them as a subjunctive following upon the word "shown," or do they express a contingency?—I think that the words are governed really by the expression "which it is clearly shown."

266. And that therefore the words involve no contingency?—I think, my Lord, that the effect of the clause, as it is there drafted, is that the increase must be such as is clearly shown to have been, or such as may be, derived from the improvement.

267. I want the definition of those last words. It may be "clearly shown that there is a contingency, that there may be an improvement;" or it may be "clearly shown that there is to be an improvement"?—I think it means that both

Marquess of *Salisbury*—continued.

the present and the prospective increase in value must be clearly shown, but I should explain that as regards that particular provision there is some disinclination, I think, on the part of those who opposed the Bill, to accept those words, and there is to be some further discussion in the House of Commons with reference to them. But I think that those words which were used by the Committee themselves express what the Committee intended should be expressed.

Chairman.

268. I misunderstood you. I thought that it had passed the Commons?—It has passed the Committee in the House of Commons.

269. You mean that it may be brought before the House itself, do you?—The Bill is now awaiting further consideration. It has passed the Committee and has been reported.

270. You mean then, do you, that on Report the question may be raised in the House of Commons still?—In the House of Commons, you are aware, there is a stage of the Bill called the consideration of the Report; the Bill has been set down for consideration, and on that being done a question arose as to the form of this paragraph. The consequence is that the consideration has been deferred, so that that may be somewhat further considered. That, I think, represents the substantial amendment.

Earl of *Onslow.*

271. There is more than that, is there not? Look at the next sub-section?—Yes, my Lord, I am obliged to you.

Chairman.

272. Before you leave the particular sub-section we are upon, if I understand rightly, the Committee of the House of Commons have substituted the words "substantial and permanent" for "increased value or benefit"; is that right?—Yes, my Lord, that is so. They have substituted for the words "increased value or benefit which such lands may respectively derive" the words, "any substantial and permanent increase in the value which it is clearly shown has been or may be derived." Then the Committee suggested another important modification of the clause, to which effect has been given in paragraph 2. I think your Lordship has this in the Bill before you, which is endorsed "Bill as amended in Committee." The modification is this: "At least two months before the Council commence any part of the improvement they shall give notice by registered letter addressed to each owner, lessee, or occupier of any such land or premises within the limits of deviation shown on the deposited plans, as the Council intends to include in the specification hereafter-mentioned, and thereupon any such owner, lessee, or occupier may apply to the Local Government Board to appoint some independent person to make a valuation of the several properties within the limits of deviation, which the Council shall specify by notice under their seal delivered to the person so appointed within 21 days of his appointment, and the person so appointed shall thereupon proceed to make a valuation of all such

Chairman—continued.

lands and properties." Your Lordships will observe that the Committee intended that there should be some form of recognition of the present value of properties within the limits of deviation. It was not necessary to value the whole of the properties within the limits of deviation for this purpose, because a great part of them would be and must be necessarily purchased for the construction of the the works, and so no valuation for these purposes would be necessary. Then there is a proviso: "That the proper cost of making such a valuation, to be fixed in case of difference by the Local Government Board, shall be paid by the Council, provided that if within one month after the service of the said notice no application be made for the appointment of a person to make such valuation, the Council may make such application, and the valuation shall be made accordingly. In making such valuation the valuer shall separately distinguish and assess in the case of each hereditament the value of the land or site apart from that of any existing buildings thereon, and shall also value the hereditament as a whole, and shall not take into consideration any increased value accruing or supposed to accrue to such land, or site, from or in consequence of such improvement, but shall only take into consideration the value of such land, or site, or hereditament respectively, independent of and as if the said improvement had not been contemplated. The valuation so made shall be deposited with the clerk of the Council, and shall be kept deposited at the office of the Council, and shall be open to inspection at all reasonable times by any persons and their duly authorised agents interested in any property comprised in the said valuation." The Commitee of the House of Commons suggested that a clause should be framed on that basis, and that was the clause which was framed to give effect to their decision and passed by them.

273. That is a sort of record of the existing value without taking into consideration the improvement; that is the idea, is it not?—Yes, my Lord; that is the idea.

274. Have you anything to observe upon that?—No, my Lord; the clause, I think, gives effect to the intention of the London County Council as so framed, and as regards that additional valuation, if it is considered to be any security or of any advantage, the Council have assented to that clause.

275. I am afraid at present I do not understand the operation of it. This does not interfere with the operation of the arbitrator afterwards within seven years to determine the amount of the betterment rate, does it?—No; the rest of the clause would remain practically on the same lines as the clause originally proposed.

276. What is the object of this clause; to assess the value as it at present exists, without the improvement?—I think the object of it would be to have something like a record of the actual present value of the land without any reference to the proposed improvement, or contemplated improvement.

277. And, upon that, what then?—Upon that, after

Chairman—continued.

after the improvement is completed, the arbitrator would proceed to make an award upon the basis of the original clauses.

278. I daresay it is my fault, but I do not at present see what the object of it is. If after that has been done and the arbitrator should, within the seven years, come to the conclusion that the property had gone up or down in value, is he to make any difference in the award he makes?—Of course I am aware that there is no specific provision in the clause as passed by the House of Commons requiring the arbitrator, when he comes to assess the betterment, to take into consideration the previous valuation in any way.

279. But you do not quite follow the full effect of my question. Assume, as a fact, that four years after this has passed, and the base line of the valuation, so to speak, has been taken at the time, the arbitrator should, as a matter of fact, find that the property has gone down in value within those four yours, is he to assume the property to be of the value that it was ascertained to be at the time when the award was made, or is he to exercise his own discretion as to what will be the value of it in future?—If he came to the conclusion that the property had gone down in value since the date of that first valuation, of course he could not find that there was any enhancement, and there could be no charge on the land.

280. But he might still be of opinion that it would go up. It is not an uncommon experience, is it, that property does go down for a time and then goes up again?—Then he would have to consider whether it was clearly shown that any substantial or permanent increase in value had been derived from the improvement.

281. That I quite understand; but what I do not at present understand is the meaning of this valuation. Has it any operation, or is it a subject of historical curiosity, a record that at such and such a time it was of such and such a value?—I do not think that it could have any higher value than that of being to a certain extent evidence on record of what was the value of the land apart from the improvement.

Marquess of *Salisbury.*

282. If there were a general upward tendency in the value of property, and a considerable time elapsed between the valuation mentioned in this amendment and the arbitrator's award, surely the effect of this first valuation would be, would it not, rather to mislead the arbitrator, and lead him to think that the improved value which had been due to other causes, and would have existed in any case, must have arisen from the improved work?—I am at a little disadvantage in criticising, so to speak, a decision at which the House of Commons Committee arrived.

Earl of *Onslow.*

283. Can you tell us how this came about; have you got the shorthand writer's notes there?—I think so.

284. I should like to know who is responsible for this clause; was it brought up by you on behalf of the County Council?—I will see.

Lord *Lingen.*

285. This intermediate valuation was in the Bill as it was originally drawn, was it not? This was not put in by the House of Commons, was it?—This particular provision which we are now discussing was introduced by the House of Commons Committee.

286. This valuation?—Yes, this first valuation.

Earl of *Onslow.*

287. Will you tell us in what shape the clause was introduced; who brought it up, and who drafted it?—The Committee, in the usual course, came to certain decisions on this Bill, and, of course, it was referred to us, accordingly, to suggest the necessary amendments to give effect to the decision of the Committee.

288. Have you got the decision of the Committee there?—I am having them looked up, my Lord. The decision of the Chairman of the Commitee was given as follows: "The Committee have decided that the Preamble of the Bill is proved, subject to these conditions, that the betterment charge should only apply where it is clearly shown that property is substantially and permanently increased in value by the improvement." Those are the exact words of Mr. Fowler, which are quoted at page 34 of "Hansard," 1893.

Marquess of *Salisbury.*

289. But that is not fulfilled by the clause which you put in. You say "has been or may be"?—The precise terms of the clause were further discussed at the next sitting of the Committee.

Earl of *Onslow.*

290. Is that what the chairman said?—Those are the exact words of Mr. Fowler, which are quoted at page 34 of "Hansard," 1893: "Also we consider that before the alterations are commenced the property owners affected shall have the power to claim that a valuer be appointed by the Local Government Board to make an independent valuation at the expense of the London County Council of such lands situated within the limits of deviation as the London County Council consider will be subject to betterment. The Committee are also of opinion that subsequent valuations for betterment should be included in one assessment." I think all those suggestions were suggestions made to meet the requisitions which had been submitted to the Committee on behalf of the owners of property who were there represented.

291. And upon that decision of the Committee you drafted this clause; is that so?—The Committee directed in the usual way that clauses should be brought up, and we drafted these clauses.

292. Then was there anything in the original Bill which provided that the valuer should separately distinguish the value of the land apart from that of the existing buildings?—No.

293. Was there anything in the decision of the Committee which led you to put those words in?—No, I think not.

294. Then how do they come to be in the clause?

Earl of *Onslow*—continued.

clause?—There, again, that is a matter which, I think, if you will wait until the Chairman of the Parliamentary Committee of the Council comes to the table, he will be able to tell you about.

295. You are responsible for the drafting of these clauses, are you not? I understood you to say just now that this clause was brought up in order to carry out the decision of the Committee of the House of Commons, and I want to know whether you put in those words in consequence of the decision of the Committee of the House of Commons, or in consequence of instructions you received from the County Council?—In consequence of instructions I received from the County Council. As a matter of fact I do not think that I was personally responsible for drafting that particular part of the clause at all.

Lord *Belper.*

296. We have not got the Bill before us, but may I ask whether there is anything in the Bill which lays it down that the charge for enhanced value shall only arise on the actual increase in the subsequent valuation over the original valuation which is made at the time before the work is commenced?—No; there is nothing in the Bill to that effect.

297. Is not that the only object there can be in having an original valuation made?—As I have said before, I would rather not answer that question.

298. I should like your opinion; I do not want you to say more than you think; you must have studied the Bill?—If your Lordship presses for my own opinion upon the matter, I do not think the particular provision would be really of very much importance, beyond the fact that it would be a certain record of the opinion of a competent person as to the value of the property, irrespective of the improvement.

299. But what I want to know is: What is the object of a record of a value before the improvement, if you are not going to make use of that original value in calculating what the increased value is afterwards?—I suppose the arbitrator could hardly fail to give consideration to the valuations so made, although there is at present no express direction in the clause upon that point.

300. Then do you think that it insinuates that it ought to be considered, although it does not direct that it should be considered?—I think it would necessarily be before the arbitrator when he came to make his subsequent award, and he would, I should think, attach a proper amount of weight to it.

Lord *Lingen.*

301. Why would it have more weight than the last parochial valuation at the end of five years? That would be on record, and the arbitrator would have that before him?—Of course, the assessment for rating purposes is arrived at for a different purpose, and really is scarcely applicable for the present purpose, which is to consider what is the actual increase in the value of the land.

302. But we are speaking now of the value of the land before the improvements are made. Why is this special valuation superior as a record to the quinquennial valuation made by the parish?

Lord *Lingen*—continued.

—Because the quinquennial valuation is merely a record of the assessment for rateable purposes of the entire hereditament, whereas a valuation of this kind would give separately the value of the land itself and the buildings upon the land.

303. But still the total must be the same if they are both accurate, must it not?—I do not know that that would necessarily be so. The operation of a large improvement of this kind might, of course, permanently increase this value of the site on which the buildings were without adding any increased value to the buildings.

304. I thought this valuation which we are now speaking off was to be actually confined to the present, and was not to be a prospective one, and that you are expressly directed in this clause as it is drawn to exclude the improvements and the effect of them?—The effect of this clause as drawn would be to place on record the opinion of a competent valuer as to the value of the actual land to which the valuation relates.

Chairman.

305. Why do you say "the land"; the words used are "the properties." You do not draw a a distinction between the property as occupied and the mere land without buildings on it; it is the various properties, is it not?—Of course, the charge proposed under this Bill is a charge upon the lands as lands. The effect of this provision introduced into this clause is that there would be an actual record of the valuation, not only of the valuation for rateable purposes which your Lordship refers to, which, of course, would exist, but an actual valuation by a competent valuer of the lands or sites apart from the buildings as well as the hereditament as a whole.

Earl of *Onslow.*

306. Would not the main difference between the two valuations, the quinquennial valuation and this valuation, be that whereas the quinquennial valuation is a valuation of the houses and land together, this valuation is a valuation of the land separately from the houses, which is a thing that has never been done before?—That would be the effect of it.

Chairman.

307. But still if you put the two things together it would be the same, would it not. You are thus directed by this clause, as I understand it—"In making such valuations the valuer shall separately distinguish the value of the land or site apart from any existing buildings thereon, and shall also value the hereditament as a whole." I therefore do not quite follow you?—I do not profess to be an authority on the question of land values or the valuation of land apart from buildings.

308. I did not suppose so. All I want to do is to understand what the object of the clause was as suggested by you. I am not asking you to apply your mind to the usefulness of it or not; I only want to know what it means according to your view of it?—Your Lordship might easily conceive a case where the land, or particular site, would have a certain given value before this improvement was contemplated, and where that same land

Chairman -continued.

land might, in consequence of that improvement, have a very much larger value. Your Lordship might also assume that at the date of the first valuation there were existing certain buildings on the land in question which had a certain value, and that at the date of the subsequent valuation those buildings would have even a less value, because they would have deteriorated or worn out to a certain extent, though the value of the land itself, as apart from those buildings, might have increased.

309. Certainly, and I can quite understand it if the theory is a valuation made, we will say, in the year 1894, and then another valuation made in the year 1896, the valuer automatically is to assume, if the value in 1896 is a hundred pounds greater than it was in 1894, that that is due to the improvement. That I can understand, if that is the theory of the clause, but then there is nothing to carry it out?—There is nothing which would compel an arbitrator to assume that such increment in value as he might find to have arisen in the land was due solely to the improvement; the land might have increased in value from some other cause, irrespective of the improvement, but the arbitrator would be still bound by this clause not to take that into consideration.

Lord *Belper.*

310. Is it the intention of the Bill that no increased value should be attributed to buildings irrespective of land?—I think that would depend upon whether, in the actual facts of the particular case, it could be shown that there was an increase in the value of the buildings, apart from the land due to the improvement. I do not know whether that be so. I think it would be more likely to be an improvement to the land.

311. Of course, if you only value the land, one can understand whether that land would have acquired an increased value or not, but one piece of land might have a building on it of a very different character from that on another, and in one case the increase, if there was an increase owing to the improvement, might be larger than in another. But is it the intention that the increased value of the buildings should pay as well as the increased value of the land. We have not got the Bill before us, and therefore I cannot quite follow it?—Your Lordship asks me rather a difficult question there. I think I would rather, if your Lordship will allow me, consider the clause upon that particular point. The question will be on the notes, and either I or a member of the Council will answer it at a later stage.

Earl of *Onslow.*

312. As I understand, what happened was this: When the Select Committee had that Bill before them they gave that decision which you have read, upon which you brought up a clause for the consideration of the Committee. I want to know if that Committee considered it in detail, and if this is the clause which the Committee had exactly before them when it sat?—I should like to be accurate on this point. I will look at the evidence, and see exactly what did take place. The first thing was that the Property

Earl of *Onslow*—continued.

Protection Society, represented by Mr. Baumann, asked that copies of the clauses which were to be proposed to give effect to the decision of the Committee should be supplied to them, and, as a matter of convenience for their Counsel, I sent him a copy of the clause at the earliest possible date, even before it was finally settled. When it was finally settled, copies were again sent to them. Then after an adjournment of the Committee from the 4th to the 8th May the clauses were brought up in the usual way by us as Promoters of the Bill, I being then responsible for the clauses to carry out the decision of the Committee, and they were laid before the Committee in the usual way, and the opponents then and there, being represented by Counsel, proceeded also in the usual way to discuss them.

313. Was the clause precisely in the form in which it now appears in the Bill?—That I am afraid I can hardly tell your Lordship. I do not think the clause was passed in exactly the form laid before the Committee.

314. Then the Bill as it now stands has not been actually considered by the Committee, has it; that is to say, the exact words which are now in the Bill have not been considered?—The exact words in great part were written by the Chairman of the Committee.

315. Did the Committee have this clause before them, did they sanction it as it stands, and was it embodied in the Bill?—The Committee had the clauses before them, and now I recollect what did take place. After discussions, which resulted in one or two amendments being made in the clauses, the Chairman, in the usual way, altered the clauses himself, initialed them, and they were passed in the usual way.

316. Was any discussion raised on the question of the improvement, or on the words "which is clearly shown to be, or may be derived." Were those words discussed?—Yes, they were discussed and argued by Counsel on both sides.

317. And finally approved in the shape in which they now are?—And finally approved in the shape in which they now are. I may say, as a matter of fact, that they occur practically in two or three different places in the Bill; I think they were actually discussed and decided by the Committee in two or three other places, and then the whole thing was made consistent by the Chairman, when the Bill was ultimately passed.

318. Was the question of the separate assessment of land and buildings discussed before the Committee?—If your Lordship wishes to have a history in detail of what took place, of course we can give it to you. I confess I do not recollect exactly what took place.

319. In any of the former Bills which have been introduced into Parliament, has there been any proposal for separating the value of land from the value of the buildings?—Your Lordship, of course, refers to these Bills introduced by the London County Council.

320. Yes, the Bills you have been giving an account of?—No, there has been no such proposal.

321. And this is the first time such a proposal has been made to Parliament, is it?—In express terms, in one of these clauses, it is.

Earl of *Onslow*—continued.

322. Was that done in this clause, which was inserted at the wish of the Committee, but not, I understand, as regards his particular point, at the direction of the Committee?—No; there was no direction of the Committee upon that particular point.

323. That was brought in by the London County Council as an afterthought, which they did not propose in their original Bill, was it?—I think, as a matter of fact, that clause was drafted by the Chairman of the Parliamentary Committee after a good deal of consideration and discussion, and he will be able to explain it to you.

324. This was an addition to the requirements of the Committee altogether, was it?—There was no express declaration of the Committee on that point. I assume it was thought, in settling the clause, that it was desirable to introduce provisions of this kind.

325. Is it the usual thing, when drafting a clause for the purpose of carrying out the recommendation of a Committee, to introduce an entirely separate and different matter into it. Is that the usual course within your practice?—If it is regarded as an entirely separate matter I should say, certainly, no. The usual thing is for those who are directed by a Committee to do so, do the best they can to give effect to the decision of the Committee. They then submit what they propose to the Committee, and the Committee considers it.

326. But this proposal for separately assessing land and houses has often been before the Council and considered by them before, has it not?—Yes, it has been discussed a great deal.

327. And never put into a Bill before, has it?—I do not recollect any occasion in any Bill which I have drafted for the Council where I have been directed to provide for it.

328. So that for the first time it has been introduced into a clause which was finally drafted in order to carry out the wishes of the Committee of the House of Commons, has it not?—Of course the Committee decided that a valuation should be provided for.

329. And the County Council decided that in that valuation the land should be separated from the buildings, is that so?—It appeared to them that that was the best way of doing it.

Chairman.

330. In your judgment, what has this separation of the land and the buildings to do with the requirement which the Committee made?—Well, my Lord, I would rather that your Lordship addressed that question to others.

331. I only want your own judgment?—My own opinion is that no doubt there is a good deal to be said both for and against this amendment which was introduced.

332. That I am not asking. What I wanted to know was if you could help me as to what relevancy this proposition of the separation of these two subject matters, land and buildings, has to the particular requirement of the Committee?—Subject to what I have already said as to not being an authority on these matters, I think it would have this effect. I think it is

Chairman—continued.

conceivable that there may be an enhancement of the value of the land without any enhancement of the value of the buildings. If therefore, you wish to have anything like a record of what there is in existence at a particular date, it seems to me very desirable that the value of the land and the value of the buildings should be separately assessed. No doubt when the award is ultimately made by the arbitrator, that is one of the things which the arbitrator must consider, and carefully consider, and, for what it is worth, this valuation will be in existence as something to which he can appeal, and which will be before him. I think there are certainly cases of that kind. I think it must be apparent to everybody that whilst the value of the buildings may have deteriorated, the value of the land may have increased very much because it can be sold at a higher price.

Lord *Belper.*

333. Look at the Bill and the marginal note to Clause 37; does it not look as if it was only the intention to charge lands and not to charge buildings at all?—I asked your Lordship kindly to allow me to consider that matter, because a good deal depends on the definition of the word "lands." The word "lands" as comprised in the Lands Clauses Act includes the whole thing.

334. Then I will leave that?—Thank you, my Lord. I would like to have an opportunity of considering that matter.

Chairman.

335. Is there anything which you wish to add about the history of the clause?—Nothing on the clause, I think, my Lord.

Marquess of *Salisbury.*

336. Is it within your experience that valuations have frequently been made of land on which buildings are standing, in which the value of the land and the value of the buildings have been distinguished?—I am not aware of such cases; I think that is rather a technical question of valuation, is it not?

337. I have never happened to come across any, and I wanted to know if you had ever done so?—My knowledge of these things is more confined to Acts of Parliament and Bills than to anything practical. I do not recollect, at the moment, any such provision in any Act of Parliament.

338. At all events, you do not remember any power given for such a purpose in any Bill which you have ever had to do with, do you?—No.

Chairman.

339. Is there anything which you wish to add to your evidence?—There is only one thing I wish to add, as to a matter which is important to the London County Council, and, to some extent, personal to myself; and that is this: I observe, in the Report as given in "Hansard," of the discussion in your Lordship's House of the 24th of November, upon the proposal to appoint a Select Committee, that His Grace the Duke of Argyle, in discussing this matter, refers to a paper circulated by the London County Council,

Chairman—continued.

Council, and His Grace, after some rather critical observations, states, or is reported in "Hansard" to state, this: "The London County Council has circulated a very elaborate paper on the subject in the early part of the Session, before the Bill came before the House. He desired to treat the County Council with very much more respect than some of its own members treated it. Lord Farrer had said a few days ago that 'he had a higher opinion of the Council than many of the newspapers, but even he believed that an attempt of the Council, or any Committee of the Council, to settle wages for any part of the world was a preposterous absurdity.' He was not going to use such language as that, but would draw their Lordships' attention to these propositions before they voted upon the question. He had amused himself that morning by going over the paper issued by the London County Council, and extracting from it the propositions involved in it, and which were truly involved in what they called betterment. It had nothing whatever to do with the assessment of people whose property was affected. The propositions were these." Then in "Hansard," extending over two pages, there are propositions quoted in a different type looking obviously as if they were extracts from the paper circulated by the London County Council, but, as a matter of fact, they are not from any such paper at all, and express views which are entirely inconsistent with anything which, so far as I know, has ever been proposed by the London County Council. Then, in a further observation, his Grace said: "I quoted the words of the document issued by the London County Council." Of course, I personally am responsible for documents of that kind, and on the instructions of the Council I did issue in the usual way to members of your Lordships' House a document intended to explain the position of the Council and of this Bill, and to that document both the Council and myself would entirely adhere. It seems possible that there may be some misapprehension in the matter, but if your Lordships have to refer in any way to the debate as quoted in "Hansard" upon that matter in coming to a conclusion upon it, I think it desirable that the document itself should be on the records. The document which was circulated was this one, and these quotations which are given here are not one of them quotations from it. I think possibly his Grace may have been reading from some other paper.

Marquess of *Salisbury.*

340. They are intended to be a summary of it, are they not?—If it is so intended, it does not appear so from the report here. If they were intended to be a summary it is desirable that the document itself should be on the records of the Committee.

Chairman.

341. Are the extracts given in inverted commas?—Yes, they are given in separate type, and in inverted commas too. This is the document which we circulated. (*The document is handed in, vide Appendix*).

342. I should like to see the "Hansard" Report as well. (*The documents are handed to his Lordship.*) It is too long to go into it now, but there are other quotations from his Grace's speech, I see?—All I say is that there are paragraphs there which appear to be quotations, and "Hansard" has reported the speech as if his Grace had made them as quotations from our paper, whereas it is quite obvious they are not quotations from our paper, but are something quite different.

343. Is there anything else which you wish to say; you have already, I think, explained to the noble Lord (Lord Thring) your views about recoupment; have you anything to add to them?—No, I think not. If your Lordships desire it, no doubt further evidence can be given as to the actual result of the various operations which the Council has undertaken in the way of street improvements; but it may be taken generally that in no single case, according to the opinions of competent valuers, has recoupment turned out other than an extravagant operation.

Earl of *Onslow.*

344. In no single case?—In no single case.

345. Including the Northumberland-avenue?—There is a great deal of misapprehension about Northumberland-avenue; that is not a case of "recoupment" at all. The case of Northumberland-avenue was this: an arrangement was made between his Grace the Duke of Northumberland and the Metropolitan Board of Works for the sale of that particular area for a given sum as a matter of agreement. The result was that the land was developed and laid out for building at a cost of some 600,000*l.*, and there was a profit on the transaction. That was in consequence of a good bargain being made on behalf of the Metropolitan Board of Works, and in consequence of his Grace the Duke of Northumberland having been willing to sell at a price which left a profit on the operation to the purchaser, instead of going through the process of laying the land out himself for building, and running the risk of loss. You cannot call that a case of recoupment at all; it is simply a case of a good bargain made by arrangement.

Marquess of *Salisbury.*

346. Do you mean to say there were no trade interests to meet?—There might have been to a small extent, but practically Northumberland House consisted of the house and about four or five acres of ground around it, and that was all sold by the Duke of Northumberland to the Metropolitan Board of Works for 500,000*l.* It suited his Grace, I suppose, to sell it at that price, and it was thought that it would be a good arrangement on behalf of the ratepayers to purchase it.

347. I think you said with reference to these recoupment transactions the price which had to be given for trade interests and other superior interests was extravagant; if that is so, on whose decision were they given?—Do you mean how were the prices fixed?

348. Yes?—They are fixed by an arbitrator or a jury; but what I rather meant to imply was this, that to pay a large sum of money for the

Marquess of *Salisbury*—continued.

actual extinction of a trade business unnecessarily is in itself extravagant.

349. Without any imputation on the decision of the jury or arbitrator?—I am not calling into question any amounts awarded by juries or arbitrators, but I merely point out that before you can gain anything by recoupment you must buy for extinction or at an extinction price the trade interest and the occupier's interest which there is in the building.

Lord *Thring.*

350. There might be no trade interest in a great many cases, might there not?—That is so, no doubt.

351. But what I understood was this, that they do not usually buy up the trade interest for the very reason you state. They schedule, we will say, a street, putting a hypothetical case, in which there are shops, and also houses which are not shops. They consider that some of those houses, the dwelling-houses, it would be profitable to buy, whereas the shops would not be so. They take the dwelling-house and not the shop. Then the question I intended to ask was this: that by taking an adjoining dwelling house, and not taking the shop, which was not profitable, in fact a man who lived in the dwelliug house was exposed to the disability which did not extend to his neighbour, and that that was an unjust way of dealing with the matter; that is the way I should put it myself?—It would very rarely happen that the exact line of an existing street was coincident with the line of a new street. Of course there are some cases where, when a street is widened, one side of the street is taken away and the other side is left; in the one case the whole of the properties have to be demolished altogether in order to provide for the widening, but I do not think it has ever been the practice to purchase some of the houses fronting on the street and leave others in the hands of their owners. That would be practically of not much utility.

352. I daresay I may be wrong, but I understood from Lord Morley that they had allowed, when improvements were about to be made in London, such as to run a street through a particular district, houses, or streets, or parts of streets, which were not required for the purposes of the improvement, to be scheduled and bought if necessary by the promoters of the Bill, in order that they, by making a profit out of that part of the property which they thought could be made profitable, might recoup themselves for the expense of the work. That is what I understand to have been the practice which has crept in?—Yes; that would be the practice, but I think, perhaps, I should explain it a little more by pointing out that the object aimed at is to get the benefit of the improvement, that is to say, to obtain for resale property fronting on a new and improved street. In order to do that it is often necessary to acquire not only the actual properties which are required for making the street, but some others in addition, because what would be left of the property actually required for making the street after making the street itself, would not be enough to make a valuable frontage to the new street. Where the question of recoupment first came in was when application was made for powers to buy not only property actually required for making the new street, but enough property behind to give a valuable frontage for sale.

Lord *Thring*—continued.

353. Under the recoupment system, as I understand it, we will say there are two streets, and one of those streets was required to be demolished, and the demolition of that street would make certain adjoining houses of greater value by reason of opening up the area. If the tenants of those houses had remained in possession of them there would have been an increase sooner or later in the price. I understood that what was allowed was this: that the Promoters of a Bill might schedule those houses in respect of which an increment was proposed; they might then buy them at a less value than the houses would be worth without the increment, and thereby repay themselves for the expense they were put to in opening out the area. Have I made myself clear?—I think so.

354. It is speculative rather; therefore, I say that even under the old system they obtained a speculative betterment, while under the new system they obtain a certain betterment?—Of course, under the old system it was necessary to buy all the interests in the land, including amongst them the trade interests.

355. But they only bought, did they not, such interests as they thought it would be profitable to buy; that is my point?—The land thus acquired could only be utilised when the buildings were all pulled down, the new street had been formed, and the frontage to the new street was sold or disposed of. By that time there would be nothing to dispose of, except the bare land facing the new street.

356. There would be the houses. The improvement would open up certain houses and make them more profitable, as it is obvious it would. Then instead of putting a charge on those houses, I understood they bought up the houses at what they thought was a remunerative price, and resold them for the purpose of recouping themselves; that is the proposition of recoupment. It has nothing to do with trade interests or any other interests. It is a question of whether they were allowed to buy up houses compulsorily not required for their own works, in order, by reselling them or rebuilding them, or whatever you like to say, to make a profit themselves; is not that so?—To the extent to which that has been done in London, it has been found to be a failure, but I fancy that your Lordship is suggesting rather more than ever has been done. What has been done is this: Previously to the year 1877, I think it had been the practice in these Bills to confer power to buy so much of the lands and buildings shown on the deposited plans as were necessary for making works, and nothing more. The result was this: The works were made, the land required actually for the purpose only being taken, and the work was finished off. Then there were certain odds and ends of ground left in the hands of the municipa authority, fronting on the new work either on one side or other, and it was found, or thought, that

Lord *Thring*—continued.

that those could not be profitably utilised, because there were other projecting pieces of building and other properties which prevented the municipal authority from dealing with the whole frontage of the street. Therefore, in the year 1877, powers were applied for to purchase not only so much as was required for the street itself, but so much as would be useful in order to enable the municipal authority to resell, at a profit, the whole of the frontage to the new street. But that did not extend to enabling the municipal authority to buy lands not required for that purpose, but lands which it was thought might be improved as a consequence of the alteration.

Chairman.

357. I do not understand why you say it is necessary in the case you have proposed, to buy up all the trade interests. Take the case which you gave of the Strand improvement. Suppose the London County Council were empowered to buy all the frontage of the street opposite to the new street improvement; the south side, I am not speaking of the north side?—Your Lordship is now referring, as a concrete illustration, to the case of the Strand improvement which you have had before you?

358. Yes, as an illustration in order to see if I understand it. I understand you to suggest that in order to do that it is necessary to buy up all the trade interests on the south side of the Strand?—Yes. In that case the whole of the land over which the powers of purchase extended, that was, the block of property between Holywell Street and the Strand, would have been removed.

359. Just so; and therefore I am taking the south side, which would have remained *in situ*. If the County Council had been permitted to buy that, because that would have been improved (assuming the improvement for the purpose of my question) why would it have been necessary to buy up the trade interests there?—Under our existing law of compensation under the Lands Clauses Act, as your Lordship is aware, we cannot buy part of the hereditament. We should have power to buy the land, and that would mean the freehold.

360. Just so, and you could come to the freeholders, and if there was a trade there, a public-house or what-not, you might still be the freeholder and derive the profit from it which the freeholder had derived. You might not be able to interfere with the trade going on unless you were specially authorised to do it; but why is it necessary to buy up all the trade interests?—It will be necessary to get an express power to carry out such an operation as your Lordship suggests. You propose that the London County Council should obtain power to place itself in the position of the landlord of the publichouse?

361. Yes, of the freeholder?—Then the tenant might surely, fairly enough, have something to say to that?

362. Why; what tenant has a right to interfere with his freeholder selling?—I daresay many tenants would rather have an independent freeholder than a corporate freeholder.

Chairman—continued.

363. That may be, but I am not aware of any right that a tenant has to interfere with the person who is to be his freeholder?—Of course it would be a new principle of law.

364. What is the novelty of the principle of law that a freeholder may sell to whom he likes, subject to his existing leases?—As a matter of bargain, without reference to any Parliamentary powers, of course one freeholder can sell to another; but the London County Council cannot hold land except under Parliamentary powers.

365. That is another matter, but you seemed to assume that for the principle of recoupment it was necessary to buy up all the trade interests. I cannot see that?—There is a great question as to whether, under the Lands Clauses Act, it is legal or not, but no doubt as a matter of practice it is sometimes done, that is to say, a railway company buys the freehold interest in land, and instead of purchasing the leasehold interest, allows the leasehold interest to expire, which sometimes becomes very unpleasant to the lessee unless the lessee is willing to surrender and get out of it.

366. All I wanted to point out was, you seemed to assume the impossibility of getting the land, that is to say, of the County Council being permitted to acquire the land, unless you also destroyed, and therefore paid compensation for all the trade interests. I am not able to follow that?—Of course Parliament would have to give the London County Council the power if they chose to do so.

Lord *Thring.*

367. Then if Parliament could give them power to buy the whole, why not give them power to buy the less. *Ex hypothesi* they can buy the whole; therefore why cannot they buy the whole and make an agreement with the lessee?—I do not think that is the effect of any Act of Parliament which has been yet passed.

368. But how can it be otherwise? Supposing the County Council have power to buy a tailor's shop, and they have power to buy the whole of it, and they are not bound to pull it down or do anything with it, why is not the noble Chairman quite right: they might either buy from the tailor, or raise his rent because the area is improved, might they not?—If the operation were carried out as a purely voluntary transaction between the existing owner and the London County Council, the freehold interest might be acquired on such terms as to make the transaction reasonable, but of course if the London County Council had to acquire the freehold interest under compulsory purchase, it would have to pay the high price which we all know is awarded in those cases, together with the usual 10 per cent. additional for compulsory purchase.

369. But having compulsory powers does not oblige you to exercise them over and over again, because compulsory powers are not exercised, and good bargains are made, are they not?—Your Lordships are making a suggestion as to recoupment which of course is a novel one as far as we are concerned, and which may be very advantageous, but at the present time without Parliamentary

Lord *Thring*—continued.

powers I do not think that the Council could do what you suggest. Of course up to the present time they would not have power to do what you suggest, that is to say, purchase the freehold interest, and that only, on reasonable terms, in property where the freehold interest is assumed to be benefited and is not required for works.

370. But if they have power, and I understand it they have power under the clauses which have been introduced, which are called recoupment clauses, to purchase a certain house or houses, and they might deal with that house or houses as they liked; they are not bound to purchase them compulsorily, if they can purchase them voluntarily so much the better?—The clause which gives the Council powers of purchase is this, taking it at random: "Subject to the provisions of this Act the Council may enter upon, take and use all or any of the lands shown on the deposited plans and described in the deposited Book of Reference which they may require for the purposes of this Act" (that is for works) "and providing space for the erection of houses and buildings adjoining or near to the improvement." Therefore the powers which have been heretofore conferred were: First, powers to take the land required for the purposes of the Act, and secondly (which has been recently added) for providing space for the

Lord *Thring*—continued.

erection of houses and buildings adjoining or near to the improvement.

371. That is not what we were told, because that is a clause limiting the power expressly to works, which we were told was not the case; the whole point was whether they could not buy houses which were not required for the purposes of works for the purpose of recouping themselves, and we were told over and over again that they could?—They can so long as the recoupment is to be effected by the resale of land for the erection of houses and buildings.

372. But the clause you read makes it clear that they are to pull them down. The point is not that; the point is that they have a power extraneous to the necessities of their own works, at least so I understood it; I may have been been entirely wrong?—Under this clause the power of purchase can only be exercised for the purposes of the Act, and for providing space for the erection of houses and buildings adjoining or near to the improvement.

373. That requires them to pull them down, does it not?—Yes.

Chairman.

374. Have you anything further to add?—I have nothing to add unless the Committee wish to ask me any further questions.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to To-morrow at 12 o'clock.

Die Martis, 29° Maii, 1894.

LORDS PRESENT:

Duke of Norfolk.	Lord Kenry (Earl of Dunraven and Mount Earl).
Marquess of Salisbury.	Lord Egerton.
Earl of Denbigh.	Lord Halsbury.
Earl Cowper.	Lord Lingen.
Earl of Onslow.	Lord Thring.
Lord Zouche of Haryngworth.	Lord Farrer.
Lord Belper.	

The LORD HALSBURY, in the Chair.

Mr. HENRY LAWRENCE CRIPPS, is again called in; and further Examined, as follows:

Chairman.

375. I understand by your letter to me that you are desirous of adding something to your evidence respecting the increased value to the rates which accrues from a house which has been improved in any way; I understand that according to your view that will not supply the place of betterment at all?—On that point it has been suggested that the increase in the assessment of the property might take the place of this provision, but I do not think that possibly could be so, and our clause is designed on a different principle.

376. But I understand from your letter that you are desirous of explaining your views upon that point to the Committee?—Only to this extent: Of course if any members of the Committee think that the effect of that would be in any way to supersede the necessity for this clause, I could deal with that matter.

377. The argument is plain enough, without saying whether it is a bad one or a good one. The theory is, that the person who owns or occupies a property or what not, is to pay an enhanced tax or rate by reason of the enhancement of the value of the thing he occupies; it is said that the person who is responsible for the payment of the poor rate (which now, of course, I need not tell you, comprehends a great many other rates besides strictly a poor rate), will have, on account of the enhanced value of his house, to pay a larger sum than he would have had to pay before, by reason of that increased value, and that that is in a great measure local; that is the argument, which is plain enough; but I understand you are desirous of showing that that argument is not well founded?—The increase in the assessment, of course, would only have the effect of some different apportionment of the total amount which was required to be levied in rates. It seems to have been suggested that that increase in rateable value would provide the local authority with a certain amount of additional income, but, of course, that obviously is not so, because the amount to be levied by way of rates is simply a fixed and ascertained amount which is required for the period in question in order to cover the local expenditure. There might be a certain re-distribution or re-apportionment of the total charge in consequence of the variation of assessment; but it makes no difference at all to the local authority whether the assessment is increased or diminished; that is to say, in the first instance, to the central authority which has to collect the county rate. They have to collect the whole amount required for the county rate, neither more than is required for local expenditure nor less than is required for local expenditure; so that nothing is gained in the way of income by the fact that property is specially increased in value by the operation of such an improvement as is here proposed.

Chairman—continued.

378. I do not wish to appear to argue it, because I have not formed an opinion upon it: but I do not think you seem to gather the full effect of the argument. You are dealing now not with the law as it is, in which case you see the increased rate is appropriated, and it is only a question of distribution, but with some mode in which the local community could obtain the benefit of their own expenditure. I suppose it would be conceivable that a portion of the rate which is now raised, and which would be payable if the property were actually increased in value, might be devoted to the local authority, although of course it is not so at present?—Of course increased assessment means

Chairman—continued.

means increased value. A property which is worth 100*l.* a year may be increased by another 100*l.* a year, and the assessment accordingly would be increased; but if we assume, as is the assumption which underlies this proposal, that that 100*l.* a year is specially due to the improvement, the owner gets the benefit of the whole of that 100*l.* a year with the exception of the proportion which he would have to pay out by way of increased rates on the assessment.

379. That I quite understand; but with great respect you do not seem to follow the argument. I am not saying whether it is an argument well or ill founded; but supposing the property is increased 100*l.* in value, the overseers as a matter of course will add that to the assessment. As you say, the money raised by that operation is at present distributed in pursuance of various Acts of Parliament, not only as to poor rate, but a great many other rates. Is there anything in the nature of things which renders it unreasonable that a portion of that rate should be payable to the local authorities?—Of course, my Lord, the rates collected in London are partly central and partly local.

380. Just so. That is one illustration of the mode in which the rates may be divided for different purposes. Again I say I am not arguing it, but I wish you to apply your mind to the proposition, which is, that you are not left to the region of uncertainty here, as you would be by the proposal, but the thing is valued according to the value that it actually bears. Have you anything to answer to that. I would rather not press you if you cannot answer it?—My suggestion is this, that of course the increase in the assessment would be due to the particular improvement, that is to say, the particular improvement by the assumption might have increased the value of a man's property from 100*l.* a year to 200*l.* a year; assuming that that affects a certain redistribution, or a certain reapportionment of rating, the amount of rate in the £. will be something less by reason of the increase in the rateable value than it was before. The total to be collected of course will be the same, and the amount will become somewhat less in the £.

381. I think you are a little omitting to consider that some of the rates are partly in respect of the very improvements we are speaking of, that is to say of new streets. I suppose the rates would only apply to some of them; but apart from such a consideration as that, we are not considering the law as it now stands, but suggestion for the amendment of the law?—The suggestion, as I understood it, was that it was unfair that the particular owner should be subject to any contribution in respect of the enhanced value, because he would have to pay a larger contribution towards county and local rates by reason of the assessment.

382. That is quite true so far as the owner is concerned, but so far as the local authority is concerned you have pointed out that it is a question of distribution. That part of the argument I quite follow?—The local authority gets nothing it is true. Then, as regards the other part, the person who is rated, instead of paying a certain given sum in the £. on 100*l.* a year, which he paid before, will pay another given sum in the £., which probably would not very materially alter in respect of 200*l.* a year.

Chairman—continued.

383. That is an assumption which I cannot assume if the overseers do their duty?—But for the operation of such a clause as is here suggested the owner would receive the whole value of the additional 100*l.* a year, less such an amount as he might have to contribute by way of rates in respect of it.

Lord *Belper.*

384. He would only receive it if he sold the property, would he not?—It might be represented by increased letting value.

385. You said he would receive the whole of the 100*l.*, but it would not be actually received until the property was realised, would it?—I am assuming an increase in the assessment or an increase in the annual value to the extent of 100*l.* a year.

Lord *Thring.*

386. Assuming that the rateable value of the parish of Kensington is 100,000*l.* a year, and then assume that the sum you wanted in respect of the Cromwell Road Bridge from the owners is 5,000*l.* a year, the effect of a rate would be simply, would it not, that the rateable value of Kensington, instead of being 100,000*l.* a year would be 105,000*l.* a year, and therefore all the community would gain would be that the rate would be raised on 105,000*l.* a year instead of on 100,000*l.* a year, which would mean really an infinitesimally small contribution by the owners themselves?—That would be so. The total amount to be collected would be apportioned over an assessment of 105,000*l.* instead of 100,000*l*, taking your supposition. Each individual would pay a smaller proportion.

387. It would be a very small proportion indeed, would it not?—Yes.

388. Is not what you want in effect this: that the additional rate of 5,000*l.* a year should be paid as a special rate to the local authority by the owner over and above the rateable value of the house, and paid to the community in addition as a separate charge or as a special improvement rate, in the same way as in the case when a local authority makes an improvement payable by the owners, they raise what is called a special improvement rate, which is a special charge on the owners. What the betterment scheme proposes is that the owners in that case should pay the special improvement rate to the local authority, in addition to the ordinary rate, is it not?—Yes, no doubt the two things are somewhat analogous; in fact, the clause in this Bill is founded, as a matter of drafting, in a great measure upon the ordinary clauses which relate to improvement rates; that is to say, the parties who are directly benefited by the operation contribute in proportion towards the cost of it.

389. And what you argue is, that unless there is a special rate or special charge made, the contribution through the medium of the enhancement of the general rateable value of the place, is infinitesimally small?—It would be infinitesimally small.

390. Are

Chairman.

390. Are you prepared now, Mr. Cripps, to answer the question which Lord Belper put to you yesterday, but which you said you would like time to consider?—His Lordship asked me what was the meaning I attached to the word "lands" in the clause, and I asked your Lordships to allow me to look at it, because I was aware there was a proviso in the clause at the end, and I was not sure how that affected it. On looking at it I think it is quite clear that the word "lands" bears the ordinary meaning of the word land as defined by the Lands Clauses Act.

Lord *Belper.*

391. Then do you consider that the clause refers equally to the increased value of a building irrespective of the increased value of the land?—Yes, it would. It would refer to the increased value of the whole thing, the entire lands, land with any buildings upon it, and anything which is actually attached to the soil.

392. It is clear in that case that the two would have to be valued separately. The land, as land, would have acquired an increased value, whatever was upon it, but if certain buildings of a certain character were erected, or if a street were opened out or a road widened, it would acquire a much greater increased value than from other sorts of buildings; and practically therefore they would have to be valued separately?—I have no doubt that an arbitrator, in dealing with this clause, would practically have to value them separately, and therefore it was that I suggested in answer to questions put to me that I thought the proposal introduced by the Committee in the House of Commons as to a separate valuation of lands and buildings would be very useful.

393. Of course, I cannot express any opinion about the drafting, but I certainly thought that the word "land" being so constantly used all through the clause must indicate some distinction between land and buildings?—I think, as a draftsman, that is not the case; I think "land," as used there, means land in the ordinary sense.

Chairman.

394. There is a question which has arisen in my mind looking over the shorthand writer's notes, at page 97 of the proceedings in the House of Commons, which I daresay you will be able to explain. Do you see at the top of the page after a little discussion this: "(Mr. *Cripps.*) That is to say, 'any substantial and permanent increase in.' (The *Chairman.*) We did, in our orginal recommendation, use the words 'clearly shown,' which do not appear in your clause. Our words read thus, 'The betterment clause should only apply where it is clearly shown that property is substantially and permanently increased in value.' (Mr. *Cripps.*) Of course, we are only desirous of carrying out the decision of the Committee. We take 'clearly shown' to mean what we call in the words of our amendment a 'substantial and permanent increase in.' I do not know who is to clearly show it. That must be a question of the future and what the arbitrator will decide. (The *Chairman.*) Certainly that idea was in our mind, that it should be very

Chairman—continued.

clearly shown, and we must ask you to introduce those words. (Mr. *Cripps.*) If that is the opinion of the Committee we will introduce the words. (Mr. *Baumann.*) I propose, if that is the opinion of the Committee, that my words should be there inserted. (Mr. *Cripps.*) It is a question of drafting. I want to see how the words will come into our clause. We can put words in in this way; I am dealing with line 35, 'in respect, or in consideration of any substantial or permanent increase in value, which is clearly shown to have been derived from the improvement by this Act authorised.' (Mr. *Baumann.*) I do not object to that." Now what I want to ask you is this. The words now in the Clause are "may be" instead of the very important difference "to have been derived from," and I want you to tell me, if you can, whether that difference in words was ever brought to the attention of the Committee afterwards, because I cannot find it if it was?—I will answer that question in a minute, but may I be forgiven for suggesting that the Mr. Cripps referred to here is not myself.

395. I thought it was?—No; it was my brother, who was acting as Counsel before the Committee, but I can answer the question. The matter has been brought to our notice since, and the fact is that in the subsequent part of the clause the question was further discussed before the Committee as to whether certain words ought to be "are" or "will be." The matter is, I think, pretty well settled between us, and I do not know that I need trouble your Lordships with very much of the history of it, but there is a point where the same subject turned up again and was further discussed, and the Committee decided to adopt the words in the second part "will be." Then in going through the Bill with the Committee in the usual way attention was directed to the fact that the decision in that latter part would apparently involve, as a matter of drafting, some alteration in this first part of the clause, and the Chairman of the Committee altered the clause accordingly into the form in which it now stands in the Bill.

396. Was that alteration ever brought before the Committee?—It was made by the Committee.

397. I understood you to say the Chairman altered it?—Sitting in Committee; the Chairman of the Committee having the Bill before him, in passing it, made the alteration in the clause.

398. I cannot find any discussion upon it in the shorthand writer's notes?—I do not think there was any discussion upon it, because the parties representing the opponents did not attend or take any further part in the proceedings. I believe they contemplated further opposition to the Bill. Mr. Baumann, who was referred to, called attention to the matter, and I think we have now arranged, with him at all events, that the parties concerned, that is, the London County Council, and his friends, shall agree to that clause being altered into the form in which he, Mr. Baumann, originally proposed it for them. The words would then read "Any substantial and permanent increase in value clearly shown

Chairman—continued.

to be derived from the improvement." Mr. Harrison has been good enough to point out to me on page 103 of the Proceedings before me, something as to the same or a similar question which turned up on a later part of the clause. You will see Mr. Baumann says, "I want to get this, that the Committee recommend that the assessment shall contain a statement of the amount by which, in each case, the Council alleges that it is clearly shown that the lands are substantially and permanently increased in value by the improvements. I want to get rid of the words 'will be,' because that is the speculative element of value which I think was to be eliminated from the Bill." Perhaps I should explain that the part of the clause that is there under discussion is this. It is proposed in the first instance by the clause that the Council should prepare a statement or assessment showing the extent to which, in their opinion, this improvement charge ought to operate, and showing the extent of the alleged improvement. That is to come before an arbitrator; he is subsequently to consider it; and the question was whether in making that assessment the Council should be limited to what in their opinion had been the actual operation of the improvement up to that present date, or whether they should include what they thought would be its operation up to the time the arbitrator took the matter into consideration; and so the words "will be" were adopted. Then the Chairman, after a little discussion, said: "The Committee are of opinion that the words of the clause should stand, except that they agree that the words 'in the opinion of' should be taken out, and the word 'allege' be introduced. (Mr. *Baumann.*) Will the Committee insert 'are' instead of 'will be.' (Mr. *Cripps.*) That is the very point we discussed and on which the Committee have decided. They will keep the clause as it is, subject to the introduction of the word 'allege.' (The *Chairman.*) But we think the words 'will be' are sufficient, but we take out the words 'or benefit. (Mr. *Cripps.*) We will see when the clauses are gone through that all these matters are put straight." In pursuance of that the words "will be" were introduced into that part of the clause, and in pursuance of the assurance that we would see that when the clauses were gone through all these matters would be put straight, I called the Chairman's attention to the matter, and he himself altered the clause which is now paragraph 1, into the form in which it was ultimately passed.

399. I do not quite understand what you mean about your having settled it. Now, as I understand you, there has been some controversy about it, and you have agreed that it should not stand as it is now?—I said that for the sake of explaining to the Committee what the position of things is. In the House of Commons the consideration of this Bill has been proposed. It has been objected to on behalf of those who are interested.

400. Now I understand; you mean that when the discussion comes on in the House of Commons there is an agreement that those words shall be altered?—Yes, on the consideration of the Bill in the House of Commons.

The Witness is directed to withdraw.

GENERAL EGBERT L. VIELE is called in; and examined, as follows:

Chairman.

401. I UNDERSTAND you are a civil and municipal engineer?—Yes.

402. And you have had various experiences in the United States and New York, have you not?—Some 30 or 40 years.

403. Are you State Engineer of New Jersey;—I was State Engineer of New Jersey.

404. And you are Commissioner and President of the Department of Public Parks and a Member of the United States Congress?—I have held those positions.

405. In the course of your experience have you had considerable dealings with various public and city improvements?—Yes.

406. Would you be good enough to give the Committee the result of your personal and professional experience in connection with some of the public improvements in the city of New York as to the opening and extending of new streets, and the methods pursued in determining and collecting the costs as to them?—Yes. In order to do it as concisely as possible I refer to the atlas of the city of New York. This is the topographical atlas; the lower part of the atlas is taken from the surveys of the Royal Engineers previous to the revolutionary war. The upper part is the result of a regularly adopted plan under the auspices of Commissioners appointed for that purpose in order to correct the evils resulting from the irregular plan of the lower portion of the city. The proceedings pertinent to this question in the City of New York are of two characters. One is simple and satisfactory, the other is the reverse, but they are due to the two different conditions of the older portion of the city and the newer portion. The opening of streets in the newer portions of the city are generally through territory not previously occupied except by large estates. The plan devised by the Commissioners was laid down and monumented so that under the future growth of the city, which for the last 200 years has been abnormal as regards all other cities in the world, the errors of the past should be remedied. Now in opening the new streets, the operation is very simple. The owners of the abutting land on the line of the streets as laid down on the map are also the owners to the middle of the street, so that when the street is taken by the city in accordance with law so that the city shall have the title in fee, the owners are assessed for that portion of the land which is taken, but they are paid also for it; so that it is simply a question of give and take, in order to secure the title to the city. The owners receive the street in front of them

Chairman—continued.

Chairman—continued.

them for access to their land, and virtually give the land. Frequently owners deed the land in advance so as to save all proceedings. That is very simple. The lower part of the city is where the difficulty arose of attempting to adopt the principle of opening new streets where it was densely populated. The growth of the city was so rapid, and the trade increased so rapidly, that it was necessary to widen a great many of the streets in order to secure first transit to the general public; and, secondly, proper access to the buildings and warehouses. A law was passed widening a number of those streets, and one of them was under my professional observation. The street was widened 20 feet on the southern side. It was half a mile long, the houses were three or four storey houses, and had been used for residential purposes, and the Commissioners appointed were called Commissioners of Damage and Assessment. Those are the terms used there corresponding to what is spoken of here as betterment and worsement.

Marquess of *Salisbury.*

407. Are not "betterment" and "worsement" American words?—They are not our words at all. We do not know them in the English language in America; they are entirely foreign words to us. "Benefit" is the word we use; which seems to me better English and more direct. To the owners of the property which is taken, an award is made for damages. The proceedings there begin with an application by the law officer of the city to the Supreme Court for the appointment of three Commissioners as to benefit and damage. These Commissioners being appointed, they select surveyors and appraisers, and proceed in the first place to determine the aggregate amount of damages, what is to be awarded for the land taken, and what is to be awarded for the buildings that are destroyed. Having determined that aggregate amount of damage, they proceed to get the money under the principle of benefit. They soon find that the property along the line of the street cannot possibly pay these damages. They therefore resort to an arbitrary line on the hypothetical principle that within that arbitrary line the property is benefited. I am free to confess that the Commissioners with whom I was associated recognised from the first that it was impossible to determine that the property outside of that line was really benefited. But they were obliged to get it; there was no other resource; so they drew this line, and they found when they came to spread the damages over it that that line was not wide enough, so they widened it again, and finally they got the money corresponding to the aggregate of damages. Then their report was taken to the Supreme Court for confirmation, and the property-owners outside of that line protested that they were not benefited; but after a long contention the report was adopted. Property owners have the opportunity of going before the Court and before the Commissioners to protest against any wrong or outrage; but the results showed that as soon as that street was widened, and the owners had an opportunity of rebuilding the street (in fact, it was rebuilt with

Marquess of *Salisbury*—continued.

a line of marble fronted warehouses some six storeys high) the increased taxes soon paid the cost of the damages. The taxation in New York corresponds to the improvements on the property, and the improvements on this property were so great that eventually the taxes amounted to as much as had been already paid for damages. But these persons had already paid an assessment for damages; therefore they paid twice, through the increased rates, and through the charge for benefit. Outside that line there has never been any real contention that there was any benefit whatever to the people, but that the benefit was to the city at large, and that these people were charged merely to get the money for the damages. That principle works with great injustice, and is utterly unsatisfactory. In some instances it has amounted to a virtual confiscation of property in the hands of those who are unable to pay the assessment, and they have given the property up and let the city take it for the award which has been made against them.

Lord *Kenry.*

408. What street are you speaking of?—Worth-street, which is, at present, one of the best commercial streets in the city. Worth-street in addition to being improved for ordinary use, connected two broad avenues which previously had no transverse connection, and at the same time destroyed what is know as the Five Points, which was the St. Giles' of New York, and created a great moral benefit to the city at large; but the city at large did not pay the tax. So great has been the injustice in connection with these things that there is a class of lawyers in New York who make it a business to relieve the property owners by discovering, if possible, flaws in the proceedings, and frequently the entire proceedings are set aside, the whole matter of assessment for benefit is referred to the city at large, and put into the general taxes. There are other improvements, such as parks and so forth, that are put entirely in the general taxes. Then there was a bridge which was under my supervision, as president of the parks, known as the Madison-avenue Bridge which crosses the Harlen River, which occupies somewhat the same position as to New York that the Thames does to London. This bridge was paid for entirely from the general taxes, and not only the bridge but the approaches. It was understood that if by any chance the approaches to this bridge enhanced the value of the property along the line, that was entirely incidental and not a matter of certainty; so that the general tax paid not only for the construction of the bridge but for the land taken for the approaches.

Chairman.

409. But that was an example the other way, where the whole charge was thrown upon the whole community, was it not?—Yes.

410. Have you any other instance of an attempt to get the tax from the adjoining owners?—In the case of Riverside Avenue, where I reside, the construction of that improvement was charged entirely to the property owners by the

Chairman—continued.

Commissioners. On an appeal to the Courts, half of that was put into the general tax, and we were relieved from half of the assessment. There are a great many narrow streets, perhaps ten of them, under precisely the same conditions as those to which I have referred with regard to Worth-street, and frequently the same property was assessed by this arbitrary line over and over again for another street opening which it had no direct connection with, which increased the injustice.

411. Have you, in your experience, been able to establish any principle by which that principle of benefit, as you describe it, can be assessed on particular owners?—The principle is, to my mind, a very simple one. If the property is benefited its rates increase, and the amount of money which is paid into the general tax eventually pays for the improvement. That was the case in Worth-street. If they had simply covered it by the general tax and the general tax paid the whole improvement, eventually that improvement to Worth-street, and the increased taxation arising from the building of those marble-fronted stores, would pay back to the city the whole of that assessment. In the case of the Central Park, where 5,000,000 dollars were paid for improvement, all that has gone back into the general tax twice over, through the increased value of the general property surrounding it, and the increased taxation on that property, has paid back that money to the city.

412. In your judgment, is there any relation between the proximity of a house to a bridge, we will say, and the value derived to the house from the bridge?—In the case of the Madison-avenue Bridge, there was no hypothesis assumed that any house or any property would actually be benefitted by that in the future; because it is impossible to tell what may occur, any more than to tell where the lightning will strike.

413. In your experience, has the anticipation of benefit been always realised?—On the contrary, it has been the reverse. Some streets are in the same condition as they were when the Commissioners opened them, and no improvement has taken place, although they have paid the value of the assessment.

414. How is the value ascertained there; is it by a valuer valuing?—The Commissioners have an appraiser; they sit and hear the property owners, and they decide as a jury.

415. Upon the evidence, I suppose, of persons skilled in the value of lands who prophesy what will happen?—Precisely so.

416. And in your experience you say the prophesies have not been verified?—Not at all; for the reason that a great deal of this property which was assessed for benefit was in no way connected with the street, nor in any way connected with the improvement.

417. In your view, is there any mode by which, apart from what you have described, namely, throwing the tax upon the whole community, you can suggest that the amount of benefit obtained by each individual owner could be ascertained, and accordingly assessed?—I do not think it possible that it can be ascertained; it is a matter of the future which is a mere conception, and not a reality until it does occur.

Chairman—continued.

418. How many instances have you known, apart from those that you have given, in which there has been confident anticipation of benefit that has not been verified?—I will answer that question by saying that an arbitrary line was taken merely to spread over a certain area the assessment, so that it might fall as lightly as possible on the different individuals; but the exact benefit that was to be derived by those different individuals was never attempted to be ascertained.

Marquess of *Salisbury.*

419. Or even estimated?—Nor even estimated in any way upon any one piece of property. It was merely divided over an area in radiating lines, and on a sliding scale. The property furthest from it was assessed the least; the property nearest to it was assessed the most.

420. Were the lines circles?—They were really circles, although they were broken by the lines of street. They amounted to a circumvention.

421. A series of concentric circles were drawn, were they?—Yes.

422. With different rates on each zone?—Yes.

423. The different rate depending on the area or upon the existing taxation of the particular tenement?—On the area of the ground; the size of the lot, as we call it.

424. So much a square yard?—So much a square yard; the size of the lot.

Chairman.

425. In your judgment, is there any ground for supposing that that accurately conveys a notion of the benefit derived by the individual properties?—It does not.

426. Can you suggest any mode in which it could be done?—The only mode I can conceive is that it must be put upon the general tax, and the general tax would get it from the increased value of the property along the line of improvement whenever that might take place. If it does not take place it is an injury to ask for it.

427. Have you any other examples which you can give the Committee in support of your views?—I have given a brief statement, but I could mention quite a number of parallel cases which are of the same character.

428. Resulting in the same experience?—Precisely the same experience.

Marquess of *Salisbury.*

429. Is this operation in conformity with the statute passed by the Legislature, or is it by the authority of any municipal body?—In conformity with the statute passed by the Legislature.

Earl of *Onslow.*

430. By the State Legislature I presume?—Yes.

431. Not by Congress?—By the State Legislature. All the laws concerning the City of New York are, as a rule, passed by the Legislature. The local authorities merely pass ordinancies in conformity with those laws, but the Acts of Legislature govern the municipality.

432. But

Earl of *Onslow*—continued.

432. But the assessment of benefit and damage varies in different States of the Union, I presume?—I presume so; but none of the others have the same experience in this matter as the City of New York has.

Earl of *Denbigh.*

433. But they vary in the different improvements which you have mentioned, do they not?—In the City of New York they vary.

434. There is no fixed principle on which they carry out every improvement, is there?—They have no fixed principle. The principle merely was to get the money back for the damages.

435. But if there is no fixed principle what is it that has been passed by the Legislature; what is the actual law as to the mere power to obtain the betterment?—I will explain it. The basis of this system practised by the Commissioners was the law which governed the opening of these new streets. Subsequently when it was found that these old streets required to be opened, and that the line of the street could not pay the assessment as it does in the new street, the Legislature amended the Act, authorising an area to be assumed as the area of benefit.

Lord *Farrer.*

436. Can you give us the words of the Act?—I cannot, my Lord; I can get the Act for the Committee if they wish it.

Earl of *Denbigh.*

437. You spoke of the words "benefit" and "damage" as representing what we speak of as "betterment" and "worsement," did you not?—Yes.

438. Then you spoke about a property along the line of a street which could not pay the damage; by that damage did you mean the expense of the demolition of the old houses, or the question of trade compensation for interests which were damaged by the improvement?—They never discuss the interests, but merely the value of the land taken and the houses on that land; there is no other principle involved or discussed.

439. What we speak of as "worsement" is more the question of giving compensation to trade interests which may be damaged by the improvement, just as betterment is a tax on trade interests which are benefited by the improvement?—They never discuss trade interests in these proceedings.

440. Then if any trade or shop was damaged in its custom by reason of the trade being diverted into a new street, you would give no consideration to any question of compensation?—No; it is not discussed at all; it is merely a question of property, not of trade.

441. Then your term "damage" is not quite what we mean by "worsement," is it?—Possibly not, but it is the word used to convey the same impression. There were no damages awarded for injury to trade, nor was trade *pro* or *con* discussed, in the case I referred to.

Chairman.

442. What the Committee would like to know is this. Take the case of a clear improvement which has widened a street, and made the houses more valuable for the purpose of letting, or any purpose you please, and that more rent can be obtained for them; the effect of that might be to render a smaller street in the immediate neighbourhood less of a thoroughfare, and therefore might make the houses in it of less value. Has that hypothesis ever been dealt with?—That hypothesis was not considered, in fact, on the line of improvement in the case of Worth-street. Streets on either side of it were also widened; Reed-street and Warren-street were all widened simultaneously within the same period, to prepare for the rapid approach of an increasing trade which took possession of it the moment it was opened.

Marquess of *Salisbury.*

443. Are the houses occupied by their owners, or occupied by leaseholders?—The dwellings that were torn down had at one time been residences of a very respectable class of the community, but trade was driving them away, and they were occupied as tenement houses by an inferior class of population; in fact a vicious class of population took possession of the old houses as fast as they became deserted by the other tenants before they became converted into business premises.

444. Then these occupiers who were turned out received no compensation for their eviction, did they?—None whatever.

445. Was the only person compensated the ground owner?—It was merely a question of the value of the building destroyed and the value of the land taken.

446. And in the damage which this assessment for benefit was to recoup, did you include the cost of making the road, or only the amount of compensation for the land and houses taken?—No; the cost of making the roadway is always assessed directly upon abutting owners, everywhere. The roadway, pavement, and the sewers are always assessed upon abutting owners; it never goes beyond them.

447. Then the levy for benefit was entirely expended in paying compensation for the land and the buildings upon it, was it?—Entirely so.

Earl *Cowper.*

448. I think you said that the value of the expected benefit was settled by a jury who heard professional valuers and decided, did you not?—Yes.

449. Was that done before any improvement could have taken place; was it done at the moment, or some years after?—It was first decided upon by these Commissioners. Then their report was taken to the Supreme Court, and a judge of the Supreme Court had to approve that report before any action whatever was taken; the street was not disturbed until it became law, by the fact of the decision of a judge of the Supreme Court approving the award of the Commissioners; that was before any improvement whatever had been made.

 450. Therefore

Earl *Cowper*—continued.

450. Therefore, it was entirely prospective, and entirely a matter of speculation as to what the value of the improvement would be, was it not?—Yes.

451. And necessarily very often it would be a false one, would it not?—There was no attempt to determine the value of the improvement. The only attempt was to determine the damages to property owners by taking their land and their houses; then the exact cost was assessed upon other property owners assumed to be benefited.

452. But the improvement was entirely speculative, and a matter of guess work I suppose, was it not?—There was no estimate as to what might be the result of that improvement; it was merely to pay these people back again for the land which was taken from them, without regard to what might be the possible result of it. That street might not have been improved at all.

453. And yet people had to pay for betterment, did they not, although they never received it?—Yes.

454. Supposing another plan had been adopted, and a valuation made three years after the improvement was made, with no respect to the future, but merely with respect to the actual improved value at that particular time; that could have been done in a much more fair manner, could it not?—Yes, it is possible.

455. If you had a good tribunal which you could trust, and which would not job and cheat, it would be possible to arrive at a fair valuation of the actual improvement which had been made, would it not?—Yes.

456. But nothing of the sort has ever been attempted, has it?—Not at all.

Lord *Belper*.

457. I understood you to say that the whole of the expense of the improvement was repaid more than once over, by the increased taxation, owing to the value of the houses having largely increased?—Yes.

458. I suppose whether it was possible to repay it in a few years would depend on the amount of taxation, would it not?—Upon the rate of taxation.

459. Is the rate of taxation very high in New York?—The rate of taxation varies; it is something within 2 per cent. of the assessed value; but the assessed value frequently amounts to much less than half of what the house can be sold for.

460. Do you mean that the whole of the taxation which you spoke of is only 2 per cent. on the assessed value?—That is for the general tax of the city.

461. But I am speaking of the tax which you say enabled you to repay the expenses?—Yes; that was the improvement of the property involving an increase of the tax on the property, and that increase of taxation in time returned an amount equal to the improvement to the city at large. In the case of the Central Park it has done so twice over.

462. Within how long?—Within 20 years. This improvement I speak of took place 30 years ago.

Lord *Belper*—continued.

463. With reference to the decisions of the Court, are the decisions of the High Court absolute and final, or is there any appeal against them?—Persons may appeal to the Court of last resort, what we call the Court of Errors—there is one more Appeal to the Court of Errors.

464. Are these matters generally carried up to the higher court?—They are frequently carried to the higher court, but not generally.

465. Does that involve a heavy expense to the owner who appeals?—That is a considerable expense. I should have stated that frequently the Court itself sends back, when the appeal is made to it, the award of the Commissioners to the Commissioners, to have them reconsider that award in cases where the pleaders have demonstrated that injustice was done to them. Then the matter is reconsidered and brought back again to the Court.

466. What is the custom in America; do the costs of the hearing or of an appeal follow the decision generally?—Yes, the defeated party always has to pay.

Lord *Zouche*.

467. Who is the authority who assesses and collects the general tax?—We have a Board of Tax Commissioners; they appoint assessors; these assessors or valuers go round each year and look to see what improvements have taken place; they note those improvements, and report an increased valuation, and, therefore, an increased tax. When these assessors return their books to the tax commissioners, the tax commissioners advertise that those books are in their possession open for the public to see; the public can examine them, and then go before this board of tax commissioners and represent whether their taxes have been unduly increased, or not: and the commissioners have authority, and exercise that authority very frequently, to reduce the tax on evidence being given them that the tax is unjust.

468. Who are the tax commissioners appointed by?—The tax commissioners are appointed by the mayor.

469. By the mayor himself, do you mean?—Yes, by the mayor himself.

Lord *Thring*.

470. As I understand you, in the particular case you are quoting, no municipal money was advanced at all, was it?—None whatever.

471. The municipality advanced nothing, did they?—Nothing whatever; the property owners paid it all.

472. The transaction, in fact, was this, was it not: The city under a statute took a particular area of buildings, then they sent Commissioners to assess the benefit and damage, as you call it; and then they paid the persons entitled to the money out of the proceeds of the improvements?—Out of the proceeds of the assessments.

473. But they did not advance one sixpence themselves, did they?—Not one sixpence.

474. That is analogous to our way of doing it. In our case the municipality advance the whole of

Lord *Thring*—continued.

of the money out of the municipal funds; and the question is whether or not they ought to repay themselves a certain portion of the sum so advanced out of the benefit which is proved to have ensued to certain owners by the improvement. Do you think that unjust?—There is a system of issuing improvement bonds by the city who pay in these instances, but recoup themselves from the assessment when it comes in. When an assessment is levied upon property the city issues improvement bonds in many instances, so as to pay the parties, and they afterwards receive this money back into the Treasury, from these assessments which are levied. The city aids, in that way, by what may be called lending its own credit in issuing these bonds and redeeming them afterwards.

475. In the case you have given us the injustice was obvious, was it not; because they assumed that a particular area would, if improved, pay the whole of the expense?—Yes.

476. But supposing it had been put the other way; supposing the municipality had not assumed anything whatever, but had paid the whole of the expense of the improvement, and then finding that certain owners of the houses in certain areas had received very great benefit, would it have been unjust that they should have asked those owners to repay to them a portion of the great benefit they had received through the public money?—It would not have been unjust.

Lord *Farrer*.

477. When these commissioners are appointed, what is the sum of money they have to raise?—They first determine through their appraisers the value of the land which is taken. Say there are 20 feet cut off from each lot, they say what is to be awarded to a man for that 20 feet, and the value of the house which happens to be on it, and they then determine the aggregate.

478. What the commissioners have to do then is to levy a sum on improved properties which shall pay for what has been paid by the municipality, or will have to be paid to the persons whose properties are deteriorated or taken away from them?—Yes.

479. So that these commissioners are limited to levying a certain fixed sum, are they not. It is not the actual benefit conferred, but only such a proportion of that benefit as will compensate the municipality for what they have to pay for the property which is taken?—Entirely so.

480. Then I think you said there was an injustice of this kind. You said that they had first of all levied on the improved property a sum necessary in order to pay for taking other land, and for deterioration?—Yes.

481. Is that so?—Yes.

482. Then you say that the property improved so much that the rates upon that property recouped the municipality in addition a second time?—I beg your pardon; there is a little misunderstanding. The area of assessment extended over a very large territory of property that was not improved in any way, directly or indirectly, and that was the injustice.

Lord *Farrer*—continued.

483. But I thought that you said the commissioners were obliged to decide that the property was improved?—They so report, and they levy damages on the assumption that that property was benefited.

484. But where does that assumption come from; is not that the opinion of the commissioners merely?—It comes from the condition of things that they are obliged to get this sum; and the only recourse they have is to increase the area of assessment as much as possible, on the assumption that the property within it is improved.

485. But is the *sine qua non* to start with, that a certain sum shall be recovered?—Yes.

486. And is that sum to be recovered whether property is benefited or not?—Nothing in the world is to be recovered, excepting the value of the land taken and the houses on it.

487. But supposing no property is benefited at all, then how is this sum raised; is it raised all the same?—Yes, all the same.

488. Who fixes the area; the commissioners, or the Legislature?—The commissioners.

489. Do the commissioners say that within a certain area land shall be taxed sufficiently to get that money back?—Yes.

490. The commissioners decide that, do they?—Yes.

491. Do they decide on the area?—Yes.

492. And have the commissioners not to determine at all whether it will be improved or not?—Not at all in detail.

493. Then is the problem before them this: Here is an improvement which is to cost half a million of money; that half a million of money has to be raised. Then they have to decide upon a certain area, and say everybody within that area shall be taxed sufficiently to raise half a million of money?—Yes.

494. Is that the principle?—That is the precise principle.

495. Without any reference to the actual increased value?—Without any discussion of the details of the increased value of those pieces of property.

496. But do they form any opinion, or do they not form any opinion, as to whether that property has been improved?—None whatever: they cannot do it.

497. Then you told us that in this particular case the property had been so much improved in value by the building of marble palaces, and otherwise, and the rates increased so much that the property was paid for over again?—The property on the line of the street improved so much in value that in the course of years the increase of rates amounted to about the same as the assessment of the damages.

498. Your general rates are high in New York, are they not?—Within 2 per cent. of the assessed value, which amounts to about one half of the actual value.

499. Of the actual capital value. Your rates are based upon capital, are they not; not upon income?—They are simply on the value of the real estate itself; on the capital value, not on the rental.

500. Then you told us that the rates increased

Lord *Farrer*—continued.

so much in consequence of the increase in value of the land arising from this improvement, that the increase in the rates in course of time would recoup the municipality for their expenses?—Yes, in the instance I refer to, of Worth-street.

501. Then in that case the value of the property itself must have increased, must it not, in a very much larger proportion?—Yes.

502. As the increase in the rates bears a very small proportion to the aggregate value of the property, that property must have benefited very largely by the improvement?—Yes.

503. Then where is the injustice if the city takes to itself some of the benefits which it has conferred on these people by the improvement?—The injustice I referred to was with regard to property, a large area of which is assessed without any return whatever.

504. Do you mean the arbitrary nature of the area?—Yes.

505. But supposing the commissioners had selected that part of the property that was ultimately improved in value, where would be the injustice?—There would be the chance that the value might increase, and that it might not. In the case of Worth-street it did. There is a portion of Duane-street which is in the same condition to-day as it was 40 years ago when it was widened, because the people had not the money to improve it.

506. Then the injustice consists, not in taking the money from the owners of the property which is benefited, but in taking it from the number of persons who are not benefited, does it?—Yes; quite so.

Marquess of *Salisbury.*

507. I want to ask you a question with reference to the leaseholders. I think you told me that nothing was paid to them for disturbance when the land was taken from them, but only to the ground owner?—I beg your pardon; in the case where people showed that they were deprived of their leases that was considered in awarding the damages.

508. And the amount was settled by the commissioners, I suppose?—Yes.

Earl of *Denbigh.*

509. You stated, I think, that when a new street is made, the whole of the expense of making that street is borne by the owners of the abutting land?—Yes.

510. Then you spoke of a bridge over the Harlem, I think, did you not?—Yes.

511. And you said that was paid for out of the general rate of the city?—Yes.

512. Because it was used by the general population?—Yes; as it was intended for the use of the general public.

513. Is the principle different to that of a street; because a street is used by the general public just as much as the bridge, is it not?—Yes, but that bridge does not go in front of any particular property, and the improvement has only relation to property at large.

514. But it abuts, does it not, on certain property?—It does, and might possibly injure it.

515. Then do you think that a bridge does not necessarily improve property?—Not necessarily. As a rule there is a very small trade in the neighbourhood of a bridge approach, and it is very unlikely, as a rule, that there would be much valuable trade there.

Earl of *Denbigh*—continued.

516. If you had two bridges over a railway, say, and you were to put another bridge across the railway half-way between the two, instead of improving the property at the two other bridges it would possibly depreciate it, would it not?—It would possibly injure it.

Lord *Thring.*

517. Take a case in London, that of the new Tower Bridge, which is being put up amongst a dense population; you do not mean to say that that does not advantage the property in its neighbourhood, do you?—Not necessarily.

518. Not necessarily; but in that particular place where there is a dense population which requires it, it does, does it not?—That has to be determined by time.

519. Not so, because we know there is a ferry working there which has a superabundance of traffic, and it is proved, as far as it can be humanly proved at present, that the bridge will be largely used. Supposing that to be so, you do not mean to say, do you, that it would not advantage a property?—The approaches to our bridges are generally occupied by second-class saloons where people take a drink.

Lord *Farrer.*

520. Do you think that if Waterloo Bridge were stopped up it would not damage the property on either side of it?—I daresay it would.

521. Which is the Supreme Court to appoint these commissioners; is it the Supreme Court of the State of New York?—Yes; one of the commissioners is selected at the request of the owners of property on the line; the other is selected at the request of the law officer of the city, and the third is appointed at the discretion of the judge.

Earl of *Onslow.*

522. I want to ask a question about the increase in value in Worth-street. I understand you to say that the ultimate increase in value was such that the rates on that property would have been sufficient to defray the whole cost of the improvement?—In time.

523. Several members of the Committee have suggested various hypotheses to you which might have remedied the injustice which you have complained of; I should like to suggest one more. Supposing that the city of New York had determined to allocate the whole of the increased rates upon the property in Worth-street, would that have been sufficient to repay them for the cost of their improvement?—Do you mean if the city of New York had placed it all on to the abutting owners?

524. No. What I am supposing is this, that the city of New York would take the rates payable this year from the property in Worth-street, and say that all excess of rates above that amount should be allocated to relieving the cost to the general community, of the improvement to Worth-street.

Earl of *Onslow*—continued.

street. I ask you, would that have had the effect of recouping the municipality entirely?—I think it would. I am not speaking from an exact examination of the tax-books to show what the taxes were for that period, but I have assumed, from my general knowledge and from the fact that the Central Park has largely the value of the adjoining property increased, that it would do so. I am not stating it from actual examination of the books.

525. But, generally speaking, your impression is, that if the increased rates had been specially allocated to that purpose, they would have been sufficient to defray the cost, is it not?—Yes, in time.

526. What is the process of assessing these damages. I understood you to say that there was a jury?—I call the commissioners a jury. I used that name, but they are not called by that name.

527. It is not absolutely left to the discretion of one man, is it?—No, to three men.

528. Who are appointed by the Supreme Court?—Yes.

529. And the area is settled by the commissioners, is it?—Yes.

530. By an independent body altogether?—Yes.

531. Not by the body that is carrying out the improvement?—Not at all; by an independent body; but their report must be confirmed by the Supreme Court.

532. So that there is ample safeguard by the action of quite independent authorities, is there not?—Yes.

533. Is any notice sent to the person whose land is assessed?—It is difficult from the tax books to know who really owns the property, because they do not show a change of ownership. The authorities advertise that a certain area is assessed, and if a man lives in that area he must look to see if he is assessed.

534. And if he does not happen to look he may wake up one morning to find that a very large tax has been imposed on his property without notice?—That is generally the case.

535. And if he is not a wealthy man he may not be able to pay it?—That is so.

536. What happens then?—Then his property is confiscated; it is sold for taxes.

536*. And the result of making a road which does not produce the slightest benefit to him is that his property is sold to pay the taxes, is it?—Yes.

537. Generally speaking, and having that experience of a system of betterment, would you advise a country which has not adopted a system of betterment, to do so?—I would not.

538. Would you say: Happy is the country which has no system of betterment?—Yes.

Lord *Farrer.*

539. How long has this law been in force in New York?—For 40 or 50 years.

540. Has there been any proposal to repeal it?—No.

541. People are satisfied with it, are they?—Well, people are not satisfied with it; people are not satisfied with a good many things in America that they do not get repealed.

Lord *Lingen.*

542. Did I understand rightly that the authority that carries out these improvements in New York does not commence them until it has got the money in hand?—No; not until the commissioners' report has been approved by the Supreme Court; then they begin.

543. And the levy made and the money collected?—As soon as the report is accepted by the court it becomes final; and they then go on with the work.

544. And then they advance from their own funds in hand the necessary money until the amount is recovered from the people within the taxable area; is that so?—Yes.

545. A special valuation is made within that area for the improvements, distinct from the ordinary valuation for the municipal taxation of the city, I understand?—Yes.

546. Is the money that is raised from this special valuation kept as a separate account?—Yes, it is kept as a separate account.

547. Every person within this area has to pay something or other, has he not, for the new valuation?—Yes.

548. And in valuing the property on which he is to be taxed, I did not quite clearly understand whether they regard the land only, or the land with the building upon it?—The size of the lot, the area of the land itself.

549. Do they take any account of the building?—They do not.

550. Supposing then in the outlying part of the taxable area there is a piece of land with a tumbledown and shabby building upon it, but that it is probable this land will ultimately become of building value; would the valuer, in dealing with that land, reckon the value of it as what it might be made in the hands of an intelligent capitalist, or would he merely take it with the bad and tumbledown building on it, as it existed at the time?—He would take the land itself just in the condition in which it is, so many square yards of area regardless of improvements of any sort which might be made, or of what might possibly happen to the property.

551. Then would not the value per square yard be dependent, to a certain extent at any rate, upon the use which was going to be made of the land?—There is no doubt about that.

552. But you say that if it had buildings upon it you would not take into account what it would be worth if better buildings were put upon it?—Not at all, not in the assessment.

553. Not even for the special purpose of the improvement within the taxable area?—No; the valuer does not take into account any improvements whatever, either old or new.

Lord *Egerton.*

554. I think you said that since the injustice in the carrying out of the Worth-street improvement had been felt so largely, other systems had been adopted of spreading the costs of certain improvements over the whole city?—Yes.

555. Is that now the normal state of things in New York, or do you still revert to what you have described as an injustice?—There is not a normal condition of things. Property owners who

Lord *Egerton*—continued.

who want to get improvements made, frequently go to the Legislature, and use a certain influence, and get large powers, which are all exercised at the expense of the city. There is no defined action; it depends on the skill or influence of the individual.

556. Do individual owners in New York never carry out improvements on their own account either solely or partly with the assistance of the municipality?—Not at all; not so far as streets are concerned.

557. There is no one, is there, like the Duke of Westminster, who would carry out an improvement on his own property on his own account?—There have been instances where the owners of property have arranged with the authorities to do the work of improvement at their own expense.

558. You spoke of improvement bonds; I should like to know in what cases they are issued; are they issued in the case of every improvement, or only in the case of a certain improvement of a very large character?—They are issued to obtain the temporary use of money until it comes into the Treasury from the taxes.

559. Does not that seem to be the simplest and readiest way of carrying out an improvement, to borrow the money on favourable terms and to repay it after a certain time by capital and interest, the rates paying the capital and interest as well?—The issue of those bonds is merely for obtaining the money to pay these owners until the tax comes in.

560. Do you mean the tax which will recoup the capital sum?—Yes.

561. You do not repay the interest over a series of years, then, do you?—The improvement bonds carry interest with them.

562. For how many years do they run?—Sometimes they run five years and sometimes 10 years, but ordinarily the short improvement bonds run five years.

563. In that time does the municipality expect to recoup itself by the increased value or the increased taxation?—Yes, they loan the money; the city advances the money in order to see that there is no injustice done to whoever has property taken away from them, because it takes some time to collect this tax.

564. When an improvement is made, is there an extraordinary rate levied for the particular purpose, or is it comprised in the general taxation. Is the interest on these improvement bonds paid out of the general rate, or is there a particular rate?—That depends on certain Acts of the Legislature; we have all kinds of improvements, improvements of parks, improvements of boulevards, improvements for water supply, all different, but in this exact case the street itself is improved by the city, and the abutting owners have to pay an additional tax for the reconstruction of the street, and its repaving; that does not go into the hands of these commissioners of benefit and assessment; they have nothing more to do with the improvement as soon as they have made the report of damages to the property, and the assessment for benefit; that ends their functions. Then another part of the city comes in under an ordinance of the council, and makes a

Lord *Egerton*—continued.

new street, perhaps newly paved, and newly sewered; then that is assessed afterwards on the same property abutting on it, not on the outside area at all.

565. You told us that the owners of property always pay for the sewers and roads, did you not?—Yes.

566. Is the improving and widening paid for in the same way as the making and sewering of the road, or is that again an extraordinary tax?—The actual widening of the street itself is paid for by the adjoining owners. The money that is paid for damages for taking the land, and taking the houses, is what is obtained from the general assessment, but when the street is widened and improved to its new width, then the owners pay for that over again, although they have paid for the original street. They are assessed again for the refixing of that street.

567. Is it a fair arrangement that they should pay twice over?—Yes, it is; where the street is improved in its width.

Lord *Farrer*.

568. These improvement bonds are sold in the market, are they not?—Yes; they are advertised, sold in the market, and taken by the bankers.

569. And even sold in the City of London, I think?—I should think so; I should not be surprised; they generally bring a premium.

570. And they are charges on specific property, are they not?—No; they are charged on the property belonging to the city.

571. Is that so in New York?—Yes.

572. I have seen bonds from Chicago which have been charges on particular properties?—The credit of the city of New York is pledged in those bonds.

Marquess of *Salisbury*.

573. What interest do they bear generally?—Sometimes 3 per cent.; it varies; but bonds are readily taken at 3 per cent., and are very much sought after.

Chairman.

574. Is there any limit as to the power to make these improvements. Do you require an Act of the Legislature in each case, or is there any general system under which a particular body is entrusted with the power to make improvements?—The widening of these streets that I refer to originated with the council of the city; but the improvements at large, such as parks and boulevards, are done by a special Act of the Legislature.

575. Confining yourself for the moment to the question of the streets, is there any limit to the powers of the municipality to open a new street?—No; but they are generally governed by the express desire, through petition, of the owners of property along the line of the street.

576. I asked the question because I see the Statute, which appears to date from 1807, appears to require as a condition that two-thirds of the owners along the intended street should concur in the desire that it should be done?—Yes.

577. Is that the law?—Yes; they must sign this petition, and it goes to the council.

578. They

Chairman—continued.

578. They must sign it, must they?—Yes.

579. Then the council would have no power themselves to initiate it, would they?—No, they have not; they never initiate it.

Earl of *Onslow.*

580. You have had a very wide and long professional experience of the value of properties in New York, I understand. Supposing the commissioners were to ask you, as an appraiser, to give them an idea of the future value, the value for all time, of property which had been benefitted by an improvement, do you think that you could state it?—I think not.

581. Do you think that would be impossible?—I would not dare to do it.

Lord *Thring.*

582. Supposing I wanted to buy a house in New York to-morrow, would you object to appraise the value of it?—Not at all; I would be very happy to do so.

583. Without calculating for all time?—I would give an opinion for its immediate future without any hesitation.

584. But you would not go into the eternity question, would you?—No.

Chairman.

585. I should like to ask upon that, would the value you would give have reference to its existing value for sale at this moment, or to future speculation?—I have been frequently asked to appraise the value of property, and have appraised it to the extent of many millions in the city of New York. I do not, as a general rule, base my opinion upon what it would sell for at that time, but I base it upon my experience of what has been the general character of the improvements. The real estate agents as a rule quote sales in improved neighbourhoods; but I have pursued a different course myself, and I think I may safely say that I have very seldom made any mistakes.

Chairman—continued.

Lord *Belper.*

586. I understood you to tell us with regard to the special improvement, that the increased rate clearly covered it after a certain number of years?—Yes.

587. But I suppose you would not lay down, as a general rule, would you, that that must be the case in all street improvements?—On the contrary, I referred to this case in Worth-street, because the dry goods trade, as we call it, rushed in there, paid high rentals, and had elegant buildings for their use. But the dry goods trade comes and goes, frequently changing its locality, causing an oscillation in property values.

588. Whether that is likely to be the result must depend, must it not, on the cost of the improvement compared with the increased value which the property would gain by the improvement?—Precisely.

Chairman.

589. And depending, I suppose, on the vicissitudes of commerce in the various portions of the city?—Entirely; and those have been very great in New York. Frequently property has depreciated in one direction as fast as it has previously increased.

The Witness is requested to withdraw.

Ordered,—That this Committee be adjourned to Thursday next at Twelve o'clock.

Die Jovis, 31° Maii, 1894.

LORDS PRESENT:

Duke of NORFOLK.
Marquess of SALISBURY.
Earl of DENBIGH.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (Earl of *Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord HOBHOUSE.
Lord LINGEN.
Lord THRING.
Lord FARRER.

THE LORD HALSBURY, IN THE CHAIR.

ALDERMAN GEORGE CLAY, is called in; and, having been sworn, is Examined, as follows:

Chairman.

590. I THINK you are an Alderman of the City of Manchester, are you not, and Chairman of the Improvements and Buildings Committee?—I am.

591. How long have you been chairman?—About 10 years.

592. In the course of your experience, I suppose you have had various projects for the improvement of the City of Manchester before you?—That is so.

593. Has your attention at any time been called to the suggestion of what has been called "betterment," the improvement of rates on property, especially improved by buildings, or improvements made out of public funds?—It has; it was brought before the council prominently last year, and a resolution was passed by a large majority that we should obtain Parliamentary powers to establish the principle of betterment.

594. The particular clause which you suggest in those Parliamentary powers I think is *verbatim* with that which has been called the "London County Council Clause," is it not?—Yes; I think so, pretty nearly.

595. Is there any difference between them at all?—Not to any great extent. I think there is a little difference.

Lord *Egerton.*

596. Is not there a difference between the compensation; in the case of London it is 33 years' purchase, and in the Manchester Corporation Bill it is by agreement?—That is so.

Chairman.

597. We can settle that ourselves by looking at the two. What I meant was, was there any difference decided upon, or did you wish to follow the main lines of the London County Council plan?—To follow the main lines of the London County Council plan

Chairman—continued.

598. You have told the noble Lord that there is some difference as to the period of years, have you not?—Yes.

599. What is the difference?—The London County Council, I think, name 33 years.

Lord *Egerton.*

600. They compound for the annual charge at 33 years' purchase, do they?—That is so, and we have nothing in our Bill in the way of compounding.

601. But you can redeem the annual charge I understand, can you not, by agreement?—Yes; that is so. I may say that we look upon 33 years perhaps as somewhat excessive, and that it is more a matter of agreement.

Chairman.

602. Is there any difference in the Bill which you have promoted and are still promoting. Is the Bill still being promoted by you?—Yes; it has passed through the Commons and has to go through the Lords.

603. Is there any difference in the machinery which you adopt, or is it practically the same?—It is practically the same; I do not know of any difference.

604. In respect of provisions giving rights of enquiry as to whether a person will or will not be benefited by the improvement, is there any difference, or is it the same?—The clauses have been brought up in the Committee of the House of Commons. Our Bill passed the Commons Committee with similar clauses that had been brought

Chairman—continued.

brought up on the London County Council Bill.

605. Would you kindly give the dates of the two Bills?—The Manchester Corporation Bill would be on the 3rd May, and the London County Council Bill, I think, was before that. I do not know the date of the London County Council Bill, but I think it was a day or two before.

Earl of *Onslow.*

606. Were they both before the same Committee?—Yes, they were both before the same Committee.

Chairman.

607. You said something about an agreement. Was there anything approaching an agreement between the promoters of the Bill and the occupiers of the property which was going to be improved?—Yes, with some of the property owners an agreement was entered into, and of course in that agreement they recognise the principle of betterment in the arrangement entered into, and agreed to contribute a sum of money towards carrying out the improvements, which we accepted, so that their opposition to the Bill was withdrawn.

608. What proportion did that bear to the property which was to be improved or altered?—No valuation has been made of the property within the lines of deviation as to the value of the improvement. That has not been touched upon.

609. What I mean is as to these gentlemen who were engaged in the negotiations with you, and withdrew their opposition in consequence. I want you to tell me what proportion the property owned by them bore to the whole property which you had intended to include in the area of improvement?—I should say about a third.

610. In extent or value, or both?—Both, you may take it.

611. I observe you said that they were going to contribute something in the shape of money, did you not?—That is so.

612. What proportion will that bear to the whole contemplated expense, or was there any estimate of the expense made?—The cost of the land for making the street would be about 12,000*l.* or 13,000*l.*, and they contributed towards that 3,000*l.*, which is estimating the betterment to their property when they rebuilt it, at 6,000*l.* I may say that they approached the Manchester Corporation, and the offer came from them. We considered that it was a fair and equitable offer, and entered into an agreement with them to carry that out, and they withdrew their opposition to our Bill.

613. Then your Bill was proposed independently of their agreement, was it?—Yes.

614. How many were those landowners in point of number?—It was one large company, a company called the Manchester Corn Exchange Company. They had a lot of old property fronting to a passage, which they were anxious to take down, and of course, if we had obtained powers to establish the principle of betterment, we should have made a charge on their property, and they were anxious to come to terms with us.

Chairman—continued.

615. Then in the ultimate arrangement according to the agreement, are not they charged by way of betterment upon their property, or are they supposed to have paid it by the payment of 3,000*l.*?—They are supposed to have paid it by the payment of 3,000*l.*

Lord *Egerton.*

616. It would be desirable to know how large a proportion of the territory marked on the plan belongs to the Corn Exchange Company; it is rather a considerable part, I think?—What you see on the plan finely hatched is the line of deviation. What you see marked by the broad lines are outside the lines of deviation, where we say the betterment would not come in.

Marquess of *Salisbury.*

617. Does the whole of what lies to the east of this passage belong to the Corn Exchange Company?—No, to *this* point (*pointing*).

618. All to the north?—Yes.

619. Does the Granville Hotel belong to them?—It does.

620. But not the White Horse Hotel?—No, not the White Horse Hotel.

621. Do the buildings south of the cathedral belong to them?—No.

622. Why are they supposed to be benefited by that street?—I should explain to you, to your Lordships, this plan with the yellow line.

623. You told us the big hatching was not included?—That is so.

624. But you have put it outside the yellow line, you see?—But it is not included in what we say is property that is substantially and permanently improved by this street and its widening.

625. This property you say is, and not *that* (*pointing to the plan*)?—Yes.

626. On what ground?—Will you kindly allow me to explain to you. This is the Manchester Cathedral, the present boundary of which is along this line. That is the present boundary of the cathedral railing. At the present time we have entered into an arrangement with the cathedral authorities, and by paying them a sum of money, 9,000*l.* I think, they give to the Corporation for the public all the land outside of this yellow boundary, so that the whole of this land *here*, between *here* and *there*, is all thrown open to widen the streets.

627. So that there is not only *that* improvement, but *that* improvement also (*pointing on the plan*)?—That is so. Now your Lorships see the object. Victoria-street, which is one of our main thoroughfares to Exchange Station and to Victoria Station, comes down here right into Strangeways, and gets into a very populous part of the city, and at this point it is something like 33 yards wide. Having come to this arrangement with the cathedral authorities as to throwing this lot of land into the street, we strike a line through *here* and go through *this* property. That part from my pencil will be all thrown into the street; and going right through this property we should be bound to take the whole of the property under the Lands Clauses Act. Then when you get to *this* property where we say betterment

Marquess of *Salisbury*—continued.

betterment would come in, you bring *this* property so much nearer to the enlarged thoroughfare 30 or 40 yards wide. You bring it forward, and what is back property now, as I may term it, will be front property.

Earl of *Onslow.*

628. Will it actually front on the new street?—Not entirely; but you bring it nearer to the front, so that all this part of the property will be increased in value.

629. Take No. 52; will that be brought any nearer?—In the arrangement with the cathedral authorities all this widening takes place *here*, so that where now it is a narrow passage not more than three yards wide, it will be probably 10 yards wide. It is only a narrow zig-zag passage now, as you see, with steps coming up *here*, whereas it will be a wide passage.

630. What about Hanging Bridge Hotel, how will that be benefited?—When we purchase this property under the Lands Clauses Act and widen the street in this way: you see one of the cathedral entrances at the present time is *there*, and there are others *there* and *there*. This place which is called Hanging Bridge now would be widened so that this property would get the benefit of a widened thoroughfare there, because we should make a better approach.

Marquess of *Salisbury.*

631. Is that in the Act?—No, my Lord, that is not in the Act.

632. This is merely your goodwill then, is it?—Yes. This is one property which we say is very materially benefited by this street going through *here*, and by the arrangement to cut a street through where there is now a zig-zag passage. Then *this* is another property which is largely benefited, and we put these two typical cases before you, and only those two, where we say there is a substantial and permanent improvement to these two properties. We do not say that we should not probably ask for the betterment on some of the other properties which you see finely etched, such as that about *here*, but at present we have arrived at the conclusion that those are the two properties where a substantial and permanent improvement would accrue.

Chairman.

633. And not *this* piece (*pointing*)?—No; we have not included that piece. I may say there is a desire to approach this matter on the part of the Corporation on very broad lines. If we were disposed to have grasped and taken advantage of every owner of property, we should have gone in for a much more extensive line of deviation than what we have done, but that is not the spirit in which it is proposed to approach this matter.

634. Have any of the other owners whose property will be improved contributed to, or are parties to the agreement, or are they outside it?—They have not contributed and they are not opposing this, except the owner of *these* two properties.

635. But *that* property, as I understand, you propose to take under the Lands Clauses Act, do you not?—That is so.

Marquess of *Salisbury.*

636. That is not a question of betterment but a question of purchase, is it not?—Yes, it is a question of purchase there.

637. But the owner opposes although he is bettered and not purchased?—Yes. Your Lordships see when we make a street through this place, which is only a narrow passage by the cathedral, the owner of this property gets a good wide thoroughfare *here* and so much more light and air; look what he gets *here* with this enormous piece of land thrown into the passage.

Chairman.

638. Are you under any terms by your Act as to how you shall use that land; might you build upon it?—We are under terms; we cannot build upon it.

639. With the Dean and Chapter, do you mean?—That is so. We might build on any of this land. In making this arrangement with the cathedral authorities we undertook in future to preserve and take care of the graveyard in a proper manner.

640. It is a disused graveyard, I suppose?—Yes, my Lord.

641. And it will be used as a sort of garden, will it?—Yes, it will be laid out; that is the understanding; and the Corporation will take it under their control and keep it in order for all time.

Lord *Egerton.*

642. What money have you undertaken to lay out upon it?—Nine thousand pounds altogether; which includes the cost of putting up new boundary walling and railing. I may say, Mr. Champness, a celebrated architect, has been employed by the cathedral authorities, and he is making new approaches to the place; altogether it was calculated to cost 9,000*l.* In return for that they give us all the land which you see outside the yellow boundary.

Earl of *Onslow.*

643. In return for 9,000*l*?—Yes.

644. Are you purchasing this land of them, or are they giving you this land. Is this land which you are going to acquire worth more than 9,000*l.*, or less than 9,000*l.*?—I consider it is worth more than 9,000*l.*

645. Therefore some portion of the improvement which is going to be made to these properties here arises from what I may call the gift, or part gift, of the cathedral authorities, does it not?—A part gift; but I think you should understand this; that this land is useless to them for building purposes. There will be graves at *this* point, and there will probably be some graves about *here*, but none down *here*. We shall get authority, as we have done before, to move the remains to one of our consecrated burial grounds.

646. Are not some of these properties which are going to get this improvement deriving that improvement, not entirely from the outlay of the Corporation, but partly from the gift of the cathedral authorities?—To some extent, yes.

Earl of *Onslow*—continued.

647. I do not now quite understand how you are going to improve that property. Are you taking any powers to widen Hanging Bridge-road, or whatever the name of the street is?—No.

648. Then how will that property be improved. Does it front upon any new street. Do you buy the land west of Hanging Bridge?—Yes.

649. How can you do that, because you are not buying numbers 50 or 47?—Yes, we buy all west of Hanging Bridge. This shows the line of the street, and we should have the land at our disposal.

Lord *Farrer.*

650. That you can build upon, can you?—Yes, we can build upon that.

Duke of *Norfolk.*

651. You will build upon that land; you quite destroy the frontage of that, do you?—That would be a matter of arrangement. It must be looked at in this way. This is a main thoroughfare, and a narrow thoroughfare. We propose to buy this property; that would be the line of the new street. Now, if you take the properties according to the ownerships, there is one owner comes up to *that* line. There are three owners *there.* You do away with *this* owner, and you bring *this* bit of land which we have left *here* into the place of *that*, and you bring *this* piece of land into the place of *that* so much nearer to a big main thoroughfare.

Marquess of *Salisbury.*

652. But you do not get more light and air by being nearer to it if there is something between, do you?—Where you front to Cateaton-street it would be a decided improvement to bring it nearer to an important thoroughfare. This is an important street now, and if you bring *that* property into *that* position *there* and you get a main outlet which will be some 40 yards wide, the front part of *this* property is decidedly benefited, not to the same extent as *this*, but it is benefited to some extent.

Lord *Farrer.*

653. Have you agreed with this owner?—No.

Chairman.

654. There is no opposition, I understand, as to Hanging Bridge Hotel?—Yes, the owner does oppose.

655. I thought there was only one opponent?—No, there are two.

Lord *Farrer.*

656. Which have you agreed with?—The Corn Exchange Authorities right down to *there* (*pointing*).

Chairman.

657. One word about your valuation of the 9,000*l.* Do you speak of the value of the ground that you get as worth 9,000*l.*, subject to the conditions that you must not build upon it, or do you assume that you could build upon it?—Subject to the conditions that we could not build upon it.

Chairman—continued.

658. Still it is worth 9,000*l.*, you say, even subject to that condition, do you not?—In my opinion it is well worth that.

Earl of *Denbigh.*

659. You are not paying 9,000*l.*, are you; you are only carrying out improvements to the extent of 9,000*l.*?—We are practically paying for it.

Lord *Egerton.*

660. But you are paying some money down, are you not?—£9,000 we are paying.

661. Some of it is to be laid out in accordance with terms agreed between the Dean and Chapter, and some has to be given to the Dean and Chapter to be laid out as they like?—Yes.

Marquess of *Salisbury.*

662. In cash?—Yes, in cash.

Lord *Egerton.*

663. I understand it is for certain additions to the cathedral, the vestry, and so on, necessary for the proper carrying out of the services?—That is so.

Earl of *Denbigh.*

664. Then you intend, do you, to keep up the graveyard as a public garden?—Yes.

665. You will save a certain annual charge in that respect, which is now incurred by the cathedral authority, will you?—That is so. It is in a very disgraceful state now, and has been for some years.

666. That is like an addition to the price, I suppose, is it not?—Yes. You see they could call upon the authorities, this being an enclosed burial ground, to take charge of it, enclose it, keep it in repair and in a cleanly state; but by this arrangement instead of the cost of that falling upon a particular Township of the City of Manchester, which it would do, the burden is distributed over the whole area of the city.

Lord *Egerton.*

667. But this proposition of the Manchester Corporation with regard to betterment is really, is it not, on a very small scale indeed, and really practically a very large part of it has been already arranged by mutual consent?—That is so.

668. It does not come under the same category as London, does it?—It is the same principle.

Marquess of *Salisbury.*

669. You wanted to get the principle in with the intention of future operations on a large scale, I suppose, did you not?—Yes, but of course we should have to come to your Lordships' House for any future operations, unless we have special legislation, which I rather gather from the questions or propositions your Lordships have put, would be contemplated with regard to betterment.

670. Is there any reason with respect to the Hanging Bridge Hotel that you should ask the arbitrator what will be the improvement. Would it

Marquess of *Salisbury*—continued.

it not affect all the purposes that you desire, and be in itself more safe from possible injustice, if you asked him at a given time what improvement has been effected, and what is the increase in value and price?—Yes, we should have to do that within seven years, if we got our powers.

671. Quite so; but you would not only ask him within seven years, would not you, but you would ask him what for any indefinite period in the future will be the value to this Hanging Bridge Hotel of the improvements you have made. Is not that a very indefinite question which he will have great difficulty in answering, and in which great injustice may possibly be done?—I hardly think that is so, my Lord.

672. You talk of "may be" and "will be"; you do not talk of "have been"?—I understand that you re-called Mr. Cripps on Tuesday, and it may be there has been an arrangement entered into. We accepted the clause as it was put forward by the Chairman of the Committee of the House of Commons.

Chairman.

673. I think in Section 23 of your Bill it stands "may be," does it not? Is that to be altered? Look at Sub-section 1 of Section 23 of your Bill. I think you will find there it is "may be." The words are, "which it is clearly shown has been or may be derived from the said street improvements"?—Yes; the words are, "has been or may be derived."

Marquess of *Salisbury.*

674. What is the proposed alteration?—The proposed alteration, as I take it, would be this: "Of any substantial increase in value derived from the said streets clearly shown to be derived from the said street improvement," leaving out the words "has been" or "may be."

Chairman.

675. It will be "clearly shown to be," then? Yes, "clearly shown to be," so that that would get over your Lordship's objection.

676. I understand now that the owners of the two places you have pointed out on the map, Hanging Bridge Hotel and the little parallelogram (I cannot otherwise describe it) between Cathedral Gates and Hanging Ditch, are your only two opponents at present?—That is so.

677. Can you tell me what proportion the property represented by those two bits bears to the whole area of improvement. I have a scale here, but I thought, perhaps, you might be able to tell me roughly?—I cannot tell, but it is a very small proportion.

Marquess of *Salisbury.*

678. The result of your describing these properties as within the limits of deviation, and land to be acquired, is that practically they have all received notices, have they not, under the Standing Orders of the House?—They have.

679. Though they do not receive actual notice that betterment will be asked for they have received notice that purchase may be asked for, have they not?—That is so.

Earl *Cowper.*

680. On page 16, Sub-section 3, of Clause 23, I see that the corporation may begin to act at any period not later than seven years, but there is no limit the other way. They may begin at once, I suppose, to have an assessment to revalue the lands. There is no limit of time except that it is not to be later than seven years, is there?—That is so.

681. And they might begin the very next day if they liked, might they not?—Yes, that is so.

682. Then on page 20, Sub-section 12, I see "the corporation may from time to time if they think just, but subject to the provisions of this Act by resolution amend the assessment so as to include in the assessment as amended any lands by this Act made liable to have an improvement charge placed upon them but not included in the original assessment and may fix and apportion the sums to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner hereinbefore prescribed with respect to the original resolution and assessment and objections may be made to the resolution and amended assessment in like manner and if made shall be dealt with and determined in like manner as objections to the original assessment." They may continually revise as often as they like, may they not?—Not beyond the seven years.

683. But there is no power, on the other hand, on the part of the owners to demand a revision of the assessment, supposing in a year or two the original revision turns out to be wrong, is there?—That is more a legal question, but I should say whatever powers the corporation have the owners would have.

Chairman.

684. It is not a legal question, is it, it is a question of what powers you have got in your Bill. Is there any such power given in the Bill?—I think, probably, the town clerk would be able to answer that question better than I could.

Earl of *Onslow.*

685. How is this property which you are going to assess for betterment held, is it leasehold?—It is what you would call freehold property. In fact, all the property about Manchester is held on what we in Lancashire call three nines, 999 years.

686. It is let for 999 years, is it?—Yes, and then in some cases it would be leased by the owner on a 7, 14, or 21 years' lease to a tenant.

687. That is to say, there would be what is known in London as an improved ground rent, would there not?—Yes.

688. How do you propose to assess the benefit to those different interests. Is that to be left entirely to the arbitrator?—That would be left entirely to the arbitrator.

689. Do you anticipate that the Corporation will derive any advantage from those leasehold properties until the reversions fall in?—That would have to be taken into consideration by the arbitrator.

Earl of *Onslow*—continued.

690. But is it probable; are you calculating upon getting a large sum of money?—No, I do not think that is likely.

691. Do you know at all what sum of money the Manchester Corporation are expecting to realise from this improvement?—No, we have never gone into that question at all.

692. Could you not say within 1,000*l.*?—No.

693. It might be 10*l.* or 10,000*l.*, might it?—Yes.

694. Then the Manchester Corporation has no real object to relieve the ratepayers by this measure, but merely to get the Act on the Statute Book, has it?—It would relieve the ratepayers.

695. I want to know to what extent you estimate it would relieve the ratepayers?—I cannot tell you to what extent, but it would relieve the ratepayers.

696. Would it relieve them 10*l.*?—Yes, more.

697. Would it relieve them 100*l.*?—I should say more than that.

698. £1,000?—Well, I could not tell you; it is impossible for me to say without going into it.

699. You have not gone into this thing very carefully with the view of ascertaining how much relief would accrue to the ratepayers from the scheme?—No.

700. Then really the object which you have in view is to get the principle upon the Statute Book, and you have not gone very carefully into the question of how far it is going to relieve the ratepayers?—That is so.

701. I presume the expense of promoting a scheme of this kind in Parliament is considerable, is it not?—Yes.

702. And possibly the amount you may have to spend on a Parliamentary contest may be greater than the relief to the rates in the result, may it not?—No, I think not.

703. Do you think the betterment scheme of this Act will relieve the rates more than the cost of a Parliamentary contest?—Yes, I think so.

704. Supposing you were not to seek to impose this betterment charge, is it still your opinion that the result would be very largely to raise the rateable value of the property adjoining?—Yes.

705. And, of course, any benefit from that would come in to the pockets of the Manchester Corporation in the shape of increased rates?—To some extent.

706. To what extent?—You see we do not levy rates as a municipal body; the overseers assess property.

707. But you levy a rate, do you not?—For municipal purposes, but the valuation of separate properties is done by the overseers.

708. Naturally, the overseers do their duty, and if the property has been increased by these improvements the assessment will be raised by the overseers, will it not?—Yes, to that extent.

709. And a rate levied upon it by the Manchester Corporation will yield a larger income, will it not?—Yes.

710. Then will you not be in receipt of a considerable increase to your income by reason of the natural rateable increase in the assessment?—No, not a large one.

Earl of *Onslow*—continued.

711. With regard to the clause, the sub-section which you have read to the Committee is not the only one in which the potential value is described, is it?—Probably not.

712. Are you going to alter your Bill all through so as to make it agree with those words which you have given?—That is so.

Lord *Hobhouse.*

713. In regard to what Lord Onslow has asked about Sub-section 1 of Section 23, I want to know what is the exact operation which you contemplate the arbitrator shall perform. Do you mean that he shall speculate on gain that may be made at some future time, or do you mean that he shall be able to say at the time of the award the property will fetch more either by sale or by letting than it would before the improvement was made? The words are capable, I am afraid, of both interpretations?—My reply would be according to your latter interpretation.

714. Is that what you mean?—That is what we mean, distinctly.

715. I think you told us that with one large proprietor, the Corn Exchange Company, you had agreed?—That is so.

716. And that you had fixed the amount of improvement or betterment at 6,000*l.*, and the payment at 3,000*l.*?—Yes, one-half.

717. Is 6,000*l.* the amount which you calculated the Corn Exchange Company could gain if they carried the property into the market at the present moment; I mean to say, after the improvement is made?—Yes, that was their own valuation; they made the offer to us; we looked into the question and accepted it, as we thought it was a fair and equitable payment for them to make.

718. At all events, it is not a speculation into the dim and distant future, but a speculation if they carried the property now into the market, is it?—That is so.

719. Supposing the improvement effected, they would gain 6,000*l.*, would they?—That is so.

720. Would it not be possible to make that matter clear in the Bill by way of instruction to the arbitrator, to this sort of effect (I am not now dealing with any verbal niceties), that if the arbitrator finds that the property has increased in value, to sell or let at the time of the award, he shall specify the value and make his assessment accordingly. Would not that make it clear?—That is provided for, I think, is it not, in the Bill.

721. I do not think it is. Will you show us where, please?—The clauses brought up by the House of Commons Committee were to this effect, that the betterment charge should only apply where it is clearly shown that the property is substantially and permanently increased in value by the improvement, and "that before the alterations are commenced the property owners affected shall have power to claim that a valuer be appointed by the Local Government Board to make an independent valuation at the expense of the corporation of such of the lands situated within the limits of deviation as the

Lord *Hobhouse*—continued.

the corporation consider will be subject to betterment."

722. That is to test the accuracy of the value at starting, is it not?—Yes.

723. What do you say as to the increase?—The subsequent valuation for betterment should be included in one assessment. As to the increase, that would be a matter in the judgment of the arbitrator.

724. But the increase, when? I do not see anything specifying that he is to say at this moment, "In my judgment the property is worth to sell, or to let, so much more than it was before"?—I will try and explain it. This clause was introduced by the House of Commons Committee (I do not see much object in it), that a valuer should be appointed to make the valuation in the first instance. I take it more that it would be a survey and record of the property as it then existed before any improvement took place, and that would be at the expense of the corporation. This was a clause which was introduced by the House of Commons Committee. Then, at the request of the corporation or the owners of the property, before the expiration of seven years, and when the improvement had been carried out by making the street the valuer would make his survey and valuation of the property after he saw the improvement carried out, having before him his previous survey and record of what it was, and how it formerly existed. Probably he would say to himself, "Now there is a shop here; where there was a passage, there is a wide street; that shop has increased in value; I value the increased rental at 100*l.* a year." Then I presume, to arrive at a fair and equitable sum, that the owner should pay if it was increased 100*l.* a year in rental, and the rates are 5*s.* in the pound, which would be 25*l.*, you would have to deduct 25*l.* from the increased value, which would reduce it to 75*l.* Then that 75*l.* would be capitalised at so many years' purchase, and on one-half of that the owner would pay a charge of 3 per cent., or come to an agreement to compound it for a lump sum of money. That is the course, I apprehend, the thing would take, and that, I think, my Lord, would be an answer to your question. The valuer would assess the value on his second visit, after the improvement was carried out, as it stood then. I think that answers your Lordship's question.

725. I think you have described the process very much as I should have expected it to take place under this Bill, but I do not think you do point out to us any passage in which the ambiguity which has been referred to by other noble Lords is removed either by the original statement of the principle, or by instructions to the arbitrator as to what he is to do in his award. There is no such passage, I think, is there. The doubt which has been suggested still remains open, does it not, even in the amendment affected in the House of Commons?—I should consider, my Lord, that an arbitrator receiving instructions to survey and value in the first instance, and then within a given time after the improvement is carried out, being brought down again to make a further valuation, it would be an instruction to him.

Lord *Hobhouse*—continued.

726. I daresay you are right in your argument, but there is nothing so expressed, is there?—I see what you mean.

Chairman.

727. It is within your experience, I suppose, is it not, that valuers who are called upon to value in respect of some compulsory taking of properties in connection with railways and the like, not uncommonly say, "In four or five years' time, or ten years' time this will become building land, and therefore we value it at a higher rate;" have you never heard of such a thing as that?—Yes, often.

728. Then what the noble Lord points out is that there is nothing to prevent the arbitrator here doing the same thing, and saying in the future the street which is now being made a wide street will become a great centre of traffic, and therefore 20 years hence there may be an enormous value added to this property by such new street. There is nothing apparent to prevent the arbitrator doing that, is there?—No.

Lord *Hobhouse.*

729. And I may add if that affects the present market value the arbitrator would be justified in saying, "There has been that increase upon which I can found an award," but if it does not affect the market price he might say, "It is so speculative that nobody would give a penny more for the property," would he not?—I don't think he would be justified in approaching it on the lines suggested by the noble Chairman.

Marquess of *Salisbury.*

730. If the Bill is so modified as to express your views as to what the arbitrator would be justified in doing, I presume you would have no objection?—No.

Lord *Farrer.*

731. I suppose you mean that the arbitrator is to be at liberty to take into consideration the present value arising from a prospective improvement?—An improvement that has taken place.

732. Arising from an improvement that has taken place, the whole value of which has not yet attached, but which will continue to increase the value of the premises. If we do not mean that it should be confined to the actual increase of annual income received at the time being, do you mean that he is to take into consideration the market value, and that market value would be founded not only upon the improvement income from the premises but from the prospects of the premises?—There is no doubt the arbitrator will have to exercise his judgment, but a reasonable man would not go beyond a very limited number of years. Of course a property might in 20 or 30 years depreciate in value, so that he would not go beyond a reasonable number of years; at any rate a man who approached it on the lines of equity would not.

Lord *Egerton.*

733. As this principle which has been proposed is an entirely new principle, I presume, if it is to be adopted, the corporation would wish it to be adopted in such a manner as would be fair to all individuals to whom it might apply?—Certainly, that is the object. I may say that improvements are made at times where a corporation is unable to relieve the rates by getting any compensation from the owner of the land, even where a very substantial improvement has taken place from the widening of a street. If you will allow me, I will give you one illustration of many, and I think that will be better probably than any amount of explanation. Here we have a main thoroughfare on the Oxford Road (*producing a plan*). At this end we have a main thoroughfare on the London-road. *Here* is the London-road Station of the London and North Western Railway Company. The corporation have cut from Oxford-road, right through to London-road, an improved street 20 yards wide. Now from this plan you will see at this portion of the street it is all widened on the side coloured red. Formerly that was a little narrow street, a *cul-de-sac* street, perhaps, not more than seven yards wide. Here is shown a row of common cottage houses, letting at probably 5*s.* to 6*s.* a week, not more. Those houses are there to-day; there is a street 20 yards wide cut right through, a main thoroughfare more than half a mile long, from one important part of the town to the other, from one railway station in fact to another, and *here* are these paltry cottage houses which are facing this important street to-day, with the doors to the closet opening out to this important street. The owner has put them into a sanitary state, but we have no control over them, and cannot compel him to pull them down. Before we widened the street the land was worth about 30*s.* a yard; to-day that land is worth 12*l.* or 13*l.* a yard. Adjoining that is a timber yard, and that land has also increased in value to the same extent. Now if the principle of betterment were established, we could call upon that owner to contribute something, and make a charge for the improvement of this property, because I have clearly shown you that where formerly, say, six or seven years ago, the land was worth 30*s.* a yard it is worth 13*l.* a yard in the market now; in fact, land is selling in the street at that price. We are helpless there; so that is a clear case where the principle of betterment ought to come in, and where an owner ought to contribute. With regard to the assessment, you might probably say now that that is a main thoroughfare, this property would be largely increased in assessment, but nothing of the kind. The rentals are no more to-day than they were when it was a narrow street, and the assessment is the same to-day on that property as when it was a narrow street.

Marquess of *Salisbury.*

734. Then the owner gets no benefit, does he?—The owner gets a benefit in this way. He says to himself, "I will not sell my land at present, because every year as warehouses are built on the vacant land about, my land keeps on increasing in value, and where to-day it is worth 12*l.* a yard, in five years from now it may be worth 20*l.*

Marquess of *Salisbury*—continued.

735. But that is merely nominal sum until he has realised it by sale or letting, is it not?—He could realise to-day, and get that price for his land if he thought proper to do so.

735*. But if he does not, he has not got it, has he?—No; but do you think it fair that where the ratepayers have been put to the cost of making a main thoroughfare through there, and his land has been increased in value from 30*s.* to 12*l.* a yard, that he should not contribute something towards that?

Lord *Egerton.*

736. Have you attempted to make any terms with him?—No, because we did not touch him. We were helpless.

737. You took the land on the other side of the thoroughfare, did you?—Yes, so as to get a straight line for the street, and we had no need to approach him, and never did approach him, because we did not touch his property in any way.

Marquess of *Salisbury.*

738. But whenever he did let or sell, would he not then bring himself within your grasp?—Yes, as far as the increased assessment is concerned. If he sold his land for warehouse purposes of course there would be an increased assessment, but he would not pay a fair and equitable portion towards the rates of the city which had made this main thoroughfare by his property. Now that, my Lords, is a clear case. I think this question of betterment probably is very much overdone, and it is more in cases of this nature where it would come in; where an owner would be compelled to bear his fair and proper burden if there has been a clear and substantial increase to the value of his land.

739. But whatever you levied from him, by whatever provision, would not it be fairer that you should wait for it until he has got it?—He could realise it to-day, my Lord.

740. There may be difficulties in the way of realising it; he may have private settlements that he cannot break?—Of course that is so.

Lord *Farrer.*

741. But do you think that if the present capital value is increased, he ought to pay something out of that capital value towards the improvement, although for the time being he is reaping no additional income from it?—I do.

742. Is that your principle?—Yes.

Lord *Egerton.*

743. I suppose in some cases there may be harm done in carrying out a new street, such as shops being placed in a relatively less good position than they were before?—Yes.

744. Should you think it right that compensation should be given in the case of worsement or damage?—In the area of deviation.

745. I am not speaking of this particular case, I am speaking of the general principle?—Then I may say that within the area of deviation, when you are considering betterment, you ought to consider worsement at the same time in that limit

of

Lord *Egerton*—continued.

of deviation. The two ought to go together. Under an arbitration a fair and equitable man would approach the matter on those lines, and I think the two ought to go together.

Lord *Farrer.*

746. Do you mean worsement of the particular property or worsement on somebody else's property?—Of the particular property that he is valuing.

Earl of *Onslow.*

747. You do not carry that so far as to say that if another person's property within the limits of deviation is deteriorated he ought to be compensated do you?—If it could be shown that he has suffered damage he would have his remedy.

748. Do you provide for it in your Bill?—He would have his remedy under the Lands Clauses Act, if he suffered from the carrying out of an improvement.

748*. Let us follow that out. In the case of a man whose property is within the limits of deviation (we will say, abuts on the road, if you like) and you do not take any part of his property, but merely pass by him with your new road, do you say he would have any claim to compensation under the Lands Clauses Act?—I do not quite follow your Lordship.

749. If within your limits of deviation there is a property, even a property pointing upon a new thoroughfare?—Would you allow me to put it in this way. I think, I understand what your Lordship means; if you create a new thoroughfare, and you take away the traffic from an existing street and damage the owner of the property in that street, by diverting the traffic into the new thorougfore; is that what your Lordship means.

749*. No, the point I was putting is. I will imagine that there is a man who is a small retail dealer, whose trade comes from the neighbourhood, and by driving a great thoroughfare through, you take away from him the class of trade which he had before. I ask you would he have any claim under the Lands Clauses Act for compensation from you?—No, I do not think he would.

750. Do you think that it would be equitable that he should?—The Manchester Corporation have in all cases where they have made improvements and cut streets through, and damaged these small shopkeepers, given them some compensation.

751. Though they were not bound to by law?—Though they were not bound to by law. We have approached these matters in a broad and equitable spirit.

751*. And, therefore, they would have no objection, I presume, that other people who had not the magnanimity of the Manchester Corporation should be bound by law to do so, would they?—Of course, I could not speak for the 104 Members of the Council. I can simply express to you my own view.

752. Would your own view of that be that people who are not as generous as the Manchester Corporation ought to be made as generous?—I think where a corporation interferes with a man's land or his property he ought to be treated in a very liberal spirit. That is my view of the way in which a corporation ought to approach this matter.

Earl of *Onslow*—continued.

Chairman.

753. I am afraid that does not answer the noble Lord's question, because in the hypothesis he has put to you he does not interfere with the land or property?—But it damages his trade.

Lord *Belper.*

754. Might I ask whether you would object to being bound in your Bill to do what you are willing to do voluntarily?—I could not be bound in the Bill, my Lord. I was asked my own personal views in the matter. I cannot say what a Council of 104 members would do.

755. But I understand you are giving your opinion as to the way in which the Manchester Corporation deals with these matters, are you not?—I say that is the way they have dealt with these matters.

756. Then do you think it would be unfair to ask the Manchester Corporation that they should be bound to do what they are willing to do voluntarily?—I do not think it would be fair to ask them.

Lord *Farrer.*

757. Have they ever done it?—Yes. I have known where compensation has been given to small shopkeepers in cases of improvements when they have considered their trade has been damaged.

758. Where they have been damaged, where they have not been touched?—Yes, in some cases I have known of that.

759. Where they are damaged, for instance, by the turning of traffic into a neighbouring street?—No, I could not say that.

760. Then in what sort of cases have they been given compensation?—In the case of a small shopkeeper who may be a weekly tenant of a house which is perhaps in an insanitary area, and the corporation have purchased that area of property where probably the tenant has been 20 or 30 years and has established a little trade. The owner of the property, his landlord, reaps all the advantage in the shape of getting the fullest price for the property that he can, because he can hand it over to the corporation, without the corporation being under any obligation to compensate the tenant, the small shopkeeper. But in all such cases the corporation, where the tenant has probably spent 20 or 30 years of his life there, and established a small trade, and his house has come down for city improvements, they have considered they should compensate him by giving him a sum of money.

761. That is a case where he is practically turned out of his house, but has no legal claim for compensation, is it not?—That is so.

762. But in that case he is turned out of his house, is he not?—Yes.

763. I am asking you whether there is any case where his property has not been directly affected by the improvement in which the corporation have given compensation?—No, I cannot say that.

Earl of *Denbigh.*

764. I gather that your views are that the fair way of carrying out this betterment scheme is only to place a betterment tax, if I may call it so, on property that really has been improved, are they not?—That is so; you may call it a charge on property that has been substantially and permanently improved, such as the case I have pointed out here.

765. There is a clause in the Bill, or rather a statement on page 16, which says, "The assessment shall contain statements of the amount which the corporation allege will be the enhanced value derived or to be derived by the lands respectively from the said street improvements." Will that be altered?—Yes. "The assessment shall contain a statement of the amount which the corporation allege will be the enhanced value derived or to be derived." The words there would be altered in the same way as in the other portion of the Bill.

766. And in the next sub-section, line 21, also would they be altered. You see the words there are, "which the corporation allege will be the enhanced value"?—"Which the corporation allege will be the enhanced value derived or to be derived" will be altered in the same way.

767. You say it is only your intention to tax property only that has been improved; what objection would there be to scheduling a certain area for improvements as has been proposed, scheduling all the existing rents at that time, and then placing a special improvement rate on any increase in value over and above those rents which may be found to have taken place later on. Supposing at the present time you have certain property which is valued at 500*l.* a year, and supposing your rates are 2*s.* 6*d.* in the £, and you schedule that as bringing in at the time of the improvement 500*l.* a year. Then you consider the property is improved, and the assessors value that property at 600*l.* a year; instead of simply levying 2*s.* 6*d.* on the 600*l.* a year you levy your ordinary rate of 2*s.* 6*d.* on 500*l.* and an extra rate of 2*d.* or 3*d.* in the £ on the difference between 500*l.* and 600*l.* Then you would secure your tax on betterment after the property has been improved, and in the precise proportion in which the property had improved; if the property were to fall again in value that tax would disappear, and I do not see that any injustice would be done?—I think that is only another way of getting at a charge on the property for improvements. I do not think your proposition would be a way which would give general satisfaction to owners of property.

768. But it would ensure property being taxed only when it had improved, would it not?—It would ensure property being taxed that was in the particular area. Your proposition is more on the American lines, I think. I think in America they look at the cost of the improvement, and the particular property where the improvement is situated is taxed proportionately to pay for that improvement.

769. I did not gather from what we heard from General Vielé the other day that the property was taxed in proportion to its improvement, but in proportion to its distance from the centre of

Earl of *Denbigh*—continued.

improvement?—They seem to have a very free and easy way of taxation, because if the particular street they have improved does not contain property sufficient to recoup them for their outlay, they take in a greater zone, if I understand the General's answer aright. They make it easy by saying, "We will take a greater area in, so that we can tax other property to help pay for this." I do not think the English people would care for this matter to be approached on those terms.

770. But I should have thought the proposition I made would have done away with the free-and-easy element altogether, and have reduced it to a certainty?—Do I understand you to charge the whole of the cost of the improvement?

771. No, not to charge the whole of the cost of the improvement; you say, when a certain property has been improved, you want a contribution from it towards the improvement, I understand?—But you see this, while certain properties in the immediate neighbourhood benefit, the improvements are carried out for the benefit of the community at large, and it is only fair that the general body of the community should pay for those improvements. What we ask in getting the principle of betterment established is that the owner who has a substantial improvement made shall assist, however little it may be, to pay the rates.

772. Would there be any objection to some system like that which I suggest, which would, I think, do away with the element of uncertainty as to whether a property is improved, because you would only take the tax after the property had been improved, and not unless it had been improved, would you not?—Quite so.

Lord *Egerton.*

773. Supposing a property deteriorates again, after having been improved in the first instance, it will be still charged at the same rate based on the same improvement, will it not?—That is so.

774. There is an element of injustice in that, is there not?—That is so; but then you see that always has been so where we are cutting a new street through. I could point out when Sir Joseph Whitworth's works were there eight or nine years ago, before he took them out into the country, a public house, which sold 20 barrels of beer a week. We have bought that house since, a fully-licensed house, for improvement purposes, and got it for a very small sum of money. The owner admitted that after Whitworth's Works went away the 20 barrels a week had gone down to two. There an owner suffers from works being taken out of the neighbourhood, and it is so with other properties. They have to run the risk.

Lord *Kenry.*

775. An improvement rate as has been suggested would not affect the property you have just mentioned at all, would it?—No.

776. Therefore, I suppose for that reason it would not be satisfactory to you, would it?—No, I do not think it would be satisfactory.

777. Why

Earl of *Denbigh.*

777. Why would it not affect it?—Because the letting value is not increased and we have not touched the property. They are not in the area at all.

778. But it seems to me that that could be very easily arranged for because you could ascertain the value on a certain basis by capitalising the existing rents, could you not, and then if you found the property sold afterwards at a very much higher value you could come down and claim your tax on the difference?—I do not think you could always be coming down and changing about. When a valuation is once made it would have to remain.

Earl of *Onslow.*

779. It is done every five years in the Metropolis, is it not?—For assessment purposes, yes.

780. And in Manchester, too, is it not?—Every three years, I think.

Lord *Farrer.*

781. The rating is on the letting value, is it not?—Yes.

782. And the charge you want to make is upon selling value, which are two very different things, are they not?—Yes, very different things.

Earl of *Onslow.*

783. Have you ever tried the principle of recoupment in Manchester?—Yes.

784. With what result?—With very bad results.

785. Have you never had one case of success?—Yes.

786. Only one?—I think when you say one you have hit the mark. I think we had one case, I do not think we have had two. I should say we have some 300,000*l.* worth of vacant lands on our hands at the present time. If you will allow me I will give you one instance. I may say Manchester, with regard to recoupment, thought they were wise in their time, and, 20 years ago, went in for buying far more land than they wanted for making a new thoroughfare. In 1875 they got Parliamentary powers to do that. Where the gross expenditure was half a million of money the receipts for land up to the present time are about 113,000*l.*, and after taking into consideration the value of the lands that are unsold at the present selling price of land, we have sustained in that transaction a loss of about 300,000*l.* I am speaking now of dear land and not agricultural land; land where you have to pay a pretty good price for it. There is nothing eats its head off so much as land does if you keep it long enough, and that has been the case here. With the interest it has practically doubled itself, because we have had it on our hands some 18 to 20 years. I looked into the matter this morning, thinking your Lordship might put a question to me with regard to recoupment, and the loss on that transaction I find will be something like 300,000*l.*, providing we sold the land to-day which we have on hand.

787. But supposing you had sold the land some years ago would you have saved yourselves part of that loss?—That is so, the loss would have been less.

Earl of *Onslow*—continued.

788. Then it is by what may be called an error of judgment on the part of the corporation that that loss has been sustained?—You may say that to some extent, but the price of land has fallen very much, and there is the depression of trade. We got into bad times, and although we have reduced the prices at the present day, in some cases 30 or 40 per cent. below what land was selling at at that time, we cannot sell it to-day.

789. If instead of recoupment you had had the principle of betterment, you would have placed a charge on those properties at the time you made your improvement which would be now greatly in excess of the real value of them, would it not?—No.

790. Why not; if property has fallen in value and your charge cannot be reduced, does it not follow that the charge must now be in excess of what it ought to be?—No; you see in a great improvement you would bring back property to the front and make it front property, and that would be the property which, on the principle of betterment, you would put an annual charge upon.

791. The arbitrator would come in and say, "This property has increased in value so much, and I put a charge of that amount upon it," would he not?—Yes.

792. Then the property would fall in value by the year 1894, but the charge would remain?—Yes, but the charge, you see, is 50 per cent. under the value which he puts on the property.

793. Do you say you allow a sufficient margin for any possible errors of judgment?—Certainly, and the letting value of the property would not have been reduced in proportion to the value of the land.

794. In fact do you think you must allow a margin of 50 per cent. for errors of judgment?—I think it is a good liberal margin to allow.

Lord *Belper.*

795. With regard to the case you quoted of recoupment, I understand the corporation bought a good deal more land than they wanted and made a bad bargain. But in order to judge whether you have gained or lost by recoupment, would it not be necessary to compare the result, if you had not bought extra land, with what is the result by buying extra land, and more than necessary for your improvement. Can you give us those figures?—No, I cannot. But with regard to recoupment generally; in that case the corporation has not only to buy the land, but it has to buy out probably the lessee, who may have a lease of 10 or 20 years, although as in some cases, as a railway company does, they may let the lease run out before they take the property. Then there is the tenant's interest which has to be satisfied and the trade interest, and the trade interest has to be dealt with in a very generous way, because if you disestablish a man who has made a trade and a connection in the neighbourhood, that connection is lost if you drive him elsewhere. So that you have to pay very heavily for all those compensations in acquiring property for recoupment.

796. I quite

Lord *Belper*—continued.

796. I quite understand your generalities, but can you give us any figures which will prove to us that you did not gain something by recoupment, by buying more land. Take the improvement which you speak of, can you give us the figures which will show what the cost would have been to you of that improvement, if you had only bought the land which was actually required for making your new streets and the part of the work which you were bound to make; and also give us the figures which you actually incurred by buying a great deal more land than was necessary and trying to sell it again. Of course the only comparison as to whether recoupment was advantageous to you is by comparing those two sets of figures. Have you any figures of that sort?—No; I have no figures of that sort.

Chairman.

797. What have you done with the land which you so purchased more than you wanted; have you kept it as it was, or pulled the old buildings down?—We have pulled the old buildings down, and the land is vacant.

798. But if you had been permitted (I am aware you were not, because of the particular language of the legislature) to keep the land as it was, with the tenancies then existing, probably the experiment might not have been so disastrous?—You are quite right. That is the way in which we looked at it. But then on the other hand the difficulty is this: One property would stand in front of another in cutting the main thoroughfare through, and while you could let the property that was in advance, the property that joined up to it which stood back you could not let, because people in walking along the footpaths will not go out of the way to look at shop windows where they are set back from the rest. We find in Manchester a case of that sort where the property has been standing empty for years, and you cannot let it if it is set back from the front line. That is so, where you buy property in the way your Lordship suggests.

799. I was thinking of the trade interests which you have in the case you suggest, and which you were obliged to buy out. But you might have allowed the trade interest to remain, might you not?—That would have lessened the loss to some extent, no doubt. Probably it was an error of judgment in clearing the property away, and I am not prepared to say it was not.

Lord *Zouche.*

800. I suppose the question whether you gained by recoupment depends on the state of the property which you buy for the purpose of recoupment?—Yes.

801. Was the property you mention covered with houses?—Yes, of a very inferior class; houses and small shops; it was very old property.

802. Then what the corporation did, I gather, was to clear that property away?—Yes.

803. With a view of selling the land to someone?—With a view of bringing the back land to the front and recouping for this widened thoroughfare. I am speaking of Deansgate.

Lord *Zouche*—continued.

804. And the process of clearance was exceedingly expensive, I suppose?—Very expensive indeed.

805. And then they found they could not let land, did they?—Then they found they could not let the land, and suffered a heavy loss. There are some cases which I could point out to you where the sale of the land just about covered the expense, and I can point out, I think, one case where we made a profit, but I think only in one case did we make a profit.

Lord *Belper.*

806. If the sale of the land covered the expense it was a successful bit of recoupment, was it not?—Yes, my Lord.

807. I do not refer to the case where you made a profit, but all you can expect is that the sale of the land should cover the expense, is it not?—That is all we can expect, but there are very few cases of that kind in Manchester. I wish I could find them; it would be an easy way of making improvements.

Earl of *Onslow.*

808. With reference to the gentleman who you say ought to make some compensation towards your street and will not take down his house, supposing he pulled his house down and kept his land vacant, would he not be in exactly the same position of loss which the Manchester Corporation is in from having done precisely the same thing?—Yes; the only difference is that his land has a substantial and permanent improvement attached to it.

809. Did not the land of the Manchester Corporation have a substantial and permanent improvement attached to it by reason of the public works?—That has not proved so, because we have not been able to sell.

810. But you thought that it would have, did you not?—No doubt we did.

811. And so you think, do you not, that that would be the case as to the gentleman you mention?—You see each case would have to be taken pretty much on its merits.

812. At this moment you think, do you not, that this gentleman you refer to would make a considerable profit were he to sell that land now?—That is so, because warehouses are being built round him to-day.

813. And if you were deceived in the case of the Manchester Corporation, might not you be deceived in this particular case, and might not you therefore by putting a betterment charge on him do him an injustice?—No, because in the case of the Manchester Corporation I refer to you have an old narrow thoroughfare widened out into a very fine thoroughfare, and you have large plots of land all in one particular thoroughfare.

814. In fact, do you mean to say the cases are not parallel?—No, they are not parallel cases at all.

Lord *Hobhouse.*

815. I should like to ask one question about the seven years' term. I want to know why the term of seven years was fixed. You followed the London Bill, I believe?—Yes.

816. Did

Lord *Hobhouse*—continued.

816. Did you consider that that was the time within which improvements would declare themselves sufficiently to show whether the property could be fairly charged or not?—That is so; a reasonable time to carry out your improvement so as to ascertain what the increased value to the property was.

Lord *Farrer.*

817. How long have your improvements in Manchester taken generally to complete, three years?—I may say that this Whitworth-street improvement to which I have alluded would take about three years.

Lord *Egerton.*

818. But all improvements have not been equally rapid, have they?—No.

819. In many cases of parks, I suppose the land has not sold round the parks in the way one might have expected. Take, for instance, the case of Alexandra Park, you know that?—Yes.

820. That has been made 20 years, and the land has not been sold for building round two sides of it, has it?—It has not.

821. Therefore a very heavy charge might have been made upon that, might it not?—That is not corporation land.

822. But the park was bought by the corporation, was it not?—Yes.

823. What I mean is the improvements are not always carried out so rapidly as might be expected?—That is so.

824. The park, I presume, was intended to be in the centre of the population?—That is so, but the people have not taken advantage of it so rapidly.

Lord *Lingen.*

825. Seven years is the minimum limit, is it not; the betterment charge must be levied within seven years, if at all?—That is so.

826. Is there not any minimum period before which it cannot be levied, or may it be levied at once?—Of course either the property owners or the corporation would have to give notice, which would be a public notice.

827. That might be as soon as the Bill had been passed, might it not?—Yes. It would be in the first instance for the Local Government Board to send down a valuer to make a survey and record of the property as it then existed. Then, as soon as the improvement was carried out, or we will say partially developed, he would see and form his own opinion as to the increased value of the property. He would be called upon to come down again, to make the increased value of the assessment.

828. If we may take it that three or four years represents the time for the completion of an improvement, and the seven years the ordinary period for the imposition of a charge for betterment, those two figures would go to show that the betterment could only be levied after the improvement had been affected, and the result of it ascertained; but in proportion as you approach the other term, and levy the betterment immediately after the Bill has been passed, you are dealing with the future instead of the past—with conjecture instead of experience; is not that so?—That is hardly so. That was the object of the Commons Committee in introducing this clause. Before any improvement takes place, or any alterations are commenced, the property owners affected shall have power to claim that a valuer be appointed by the Local Government Board to make an independent valuation, and at the expense of the corporation of such of the land situated within the limits of deviation as the corporation consider will be subject to betterment.

Lord *Lingen*—continued.

829. But supposing he thinks, "I would rather wait as long as I can before I have this assessment imposed." Has not the corporation power of appointing an arbitrator and within what limits of time, if the owner of the property does not appoint him?—Yes, the corporation would have power to call him in at any time within the seven years. Then of course the valuer would refer to his former notes—find out what his valuation was in the first instance, see how the improvements had affected the property, and use his judgment as to the increased value that had accrued to the property in consequence of carrying out the improvement.

Lord *Egerton.*

830. But in the second case the costs would not be necessarily paid by the corporation, would they; would not that inflict a rather heavy burden on the parties?—In the second case the costs would be at the option of the arbitrator. Probably he would decide that the costs should be divided between the owner and the corporation.

831. That would be rather an onerous burden, would it not, upon the parties?—Yes.

Chairman.

832. I think you hardly answered Lord Lingen's question. There is nothing in the Bill to prevent the Promoters having the valuation made when they like. I do not mean a valuation of the *status quo*, but a valuation in respect of the improvement; there is nothing in the Bill to prevent their doing that the week after the Bill is passed, is there?—As to that, I am not quite sure. I do not think there is anything.

Earl *Cowper.*

833. You distinctly told me that there was nothing, did you not?—I think not. I give the same answer to my Lord as I have given before.

Chairman.

834. I suppose in the view you have expressed now you would have no objection to a clause which should make the appointment of the valuer dependent either in question of time or in question of an actual development of the improvement?—No; we should have no objection to any clause that would be of a fair and equitable nature.

835. The words are, "as soon as conveniently may be," in the section, that is all?—Yes.

836. "Conveniently" is one of those adverbs as to which it is difficult to say what is meant by it?—Anything fair and equitable would not be objected to.

Marquess of *Salisbury.*

837. I suppose if they delayed it unduly a court of law might compel them to go on. "Conveniently" might imply that they should do it as soon as they could, having regard to any impediment preventing them, might it not?—I apprehend if they did not go on before the seven years the time would lapse.

838. But would not the words "as soon as conveniently may be" compel them to do it earlier than seven years, unless they could show an impediment?—Yes.

Chairman.

839. I am afraid that word "conveniently" there might mean that they were to be the persons judging what would be the most convenient time?—I would rather take that term to mean when it was convenient for the corporation and the owners of the property. You see in Manchester we generally take the owners of property into our confidence, have conferences wit hthem, and as far as we possibly can mutually go forward in any scheme.

Marquess of *Salisbury.*

840. But supposing a man within you district wanted to sell his land and the negotiations were seriously embarrassed by the fact of his not knowing how much you were going to tax him, might he not urge with justice that you should proceed with your operation at once, unless you could show some cause preventing you from doing so?—Yes, that would be so, and he could take steps to compel us to proceed at once.

Chairman.

841. I am afraid I cannot assent to that, but whichever is right, you would have no objection that there should be some mode by which they should be compellable to do that, would you?—Quite so.

Marquess of *Salisbury.*

842. Would it not be desirable that there should be as few words as possible in the Bill which would be the subject of doubtful judicial interpretation later on?—Undoubtedly it would be desirable.

Earl of *Denbigh.*

843. With regard to the clauses which you said would be altered, there is another place on page 17, line 29, where I see the words "To which the notice relates have been or will be substantial," and so on. Do you see those words?—Yes.

844. Will the same thing apply to them as to the others to which you referred?—Yes, that is supposing the arrangements stated by Mr. Cripps when you re-called him on Tuesday as to an understanding, be arrived at when the Bill comes on in the House of Commons. The Manchester Corporation would be quite willing to fall in with any suggestion of that kind.

Lord *Farrer.*

845. Has this matter been much discussed in the Manchester Corporation?—Yes, I may say it has been fairly well discussed.

Lord *Farrer*—continued.

846. Are the Council unanimous about it, or was there a division about it?—There was a division, but the proposal was carried by a large majority.

Chairman.

847. I understand you have some suggestions which you desire to offer to the Committee, have you not?—Yes, I have.

848. Will you be good enough to make them?—It was with regard to the second question which was raised by the Resolution of the House of Lords appointing the Select Committee. This is what they say: "In what cases should Parliament sanction the levying of such contributions in Local Acts or Provisional Orders? I propose to give my experience as chairman of the Improvement Committee of what we have done for a number of years in Manchester with regard to obtaining powers for our improvements generally. We invariably go for a Provisional Order because it is an inexpensive way of getting powers to carry out improvements, and the advantage of going for a Provisional Order is that, in the first place, the Local Government Board send down an official to make a public inquiry. A public inquiry takes place at the Town Hall. He visits the area of the proposed improvement; notices are given publicly in the press, and any ratepayer can come forward before the Local Government Board official and object to the scheme if he wishes, and give evidence in opposition to it. It is a matter which is thrown open to every ratepayer of the city. If, by special legislation, authority could be given to put in force in the Provisional Order the principle of betterment, I hold that it would be a very proper mode of dealing with the question, because the Local Government Board official makes his first inquiry, which is open to every ratepayer of the city, and after that is done, and he gives his decision, we have to appear before both Houses of Parliament with regard to the Bill in its passage; there it is open to be opposed, so that the owners of land and property have three distinct opportunities of opposing the scheme, and getting every consideration. I am quite aware that the present Bill of the Manchester Corporation will have to rest on its merits, and that the principle of betterment could only be dealt with in a Bill, but I do hold that if special legislation was agreed to, to enable the principle of betterment to be considered in Provisional Orders and Local Acts, that would be a fair way of dealing with the subject, and give every opponent an opportunity of appearing against it. Then the only other thing I wished to mention, was this. I think it was with reference to a remark of his Grace the Duke of Norfolk as to the time within which notice should be given. I see, according to the amended clause, it reads in this way: "At least two months before the corporation commence any part of the said street improvements, they shall give notice by registered letter, addressed to each owner, lessee, or occupier of any such land or premises within the limits of deviation, and of land to be acquired, shown upon the deposited plans, as the corporation intend to include in the specificati o n

Chairman—continued.

specification hereinafter mentioned, and thereupon any such owner, lessee, or occupier, may apply to the Local Government Board to appoint some independent person to make a valuation of the several properties within the limits of deviation, and of land to be acquired, which the corporation shall specify by notice under their seal," and so on. You see the object of that is that, in the first place, the corporation should give two months' notice before they disturbed, or attempted to make any improvement. After obtaining the powers they must give two months' notice to the owners, so that the owners themselves can apply to the Local Government Board to send down an independent valuer to make his valuation and survey of the property as it then exists. Then it provides, further, that if the owner should neglect to do so, and probably some owners would think it not worth their while, then within one month after the service of such notices, if the owner does not make the application, the corporation may make such application to the Local Government Board, and the valuation be made accordingly.

Chairman—continued.

Lord *Hobhouse.*

849. "May make" or "Shall make"?—"May make," so that in the first instance, the owner is considered.

850. That is to ascertain the initial value, is it?—Yes; that is so, and I think that is a very fair and equitable clause.

The Witness is directed to withdraw.

MR. WILLIAM HENRY TALBOT, is called in; and, having been sworn, is Examined, as follows:

Chairman.

851. ARE you the Town Clerk of Manchester?—I am.

852. I take it for granted you have heard what Alderman Clay has told us, have you not?—I have.

853. If there is anything you would like to add to what he has told us, would you be good enough to do so?—I have nothing to add, my Lord. I shall be happy to answer any question that may be put to me, but I think Alderman Clay has very fully stated all that I could have said. Particularly as regards the Provisional Order, I should like to say this. His reference to a Provisional Order was one upon which I would like to add a word or two. The local inquiry which is held by the Local Government Board affords every person the opportunity of appearing and stating his case without professional assistance, and we have found, in many cases that all matters of difference have been disposed of by the holding of a local inquiry. Therefore I heartily endorse all that Alderman Clay has said upon that subject. Moreover, the betterment area, coming before a man who would look at the spot himself, might be reduced as is done now. He says now "I will not allow you to have this property;" the full scheme is not in such a case reported by the Local Government Inspector to the Board, but that portion is excluded which he does not approve of. Of course we are bound in case of a Provisional Order to deposit our plans, and submit to the Local Government Board the full particulars, as we should upon a Bill with our limits of every kind scheduled, but I think that the local inquiry would be decidedly beneficial in reference to betterment rather than to have to bring persons up to London in the first instance.

854. Do you mean as ascertaining what you call the limits of deviation within which the improvement rate is to be enacted?—That is so. It will be, no doubt, within your Lordship's knowledge that at present the Local Government Board have only power to put in force the Lands Clauses Act.

Chairman—continued.

855. When you speak of your experience, this is the first time the Manchester Corporation have included a betterment principle in a Bill, is it not?—That is perfectly true. I refer to cases where, in regard to the property we are taking for improvements, the inspector will strike out something if he thinks we ought not to go so far.

856. That is one of the things which you would recommend as part of any betterment scheme, is it?—I should do so.

857. A preliminary inquiry to ascertain the the limits of deviation, as you call it?—The limits of the area. I should say that our attention was called to it by the Resolution of your Lordships' House which refers expressly to Provisional Orders.

858. Is there anything which, in your experience as Town Clerk, you think it would be important for the Committee to know, which has not been already stated by Alderman Clay?—I think Alderman Clay has said everything.

859. I think Alderman Clay did refer to you, did he not, upon some part of the Bill?—If there is any point, I should be glad to deal with it.

860. He was asked with reference to some provision of the Bill, and he rather referred to you as an authority who he would wish to answer the question?—I believe that, on page 20 of the Bill, lines 20 to 30, comprise the power of amendment of the assessment which is given. My view upon that would be that the power of amendment would not exist after the arbitrator was appointed. It would then have passed into the arbitrator's hands, but it will be observed, from the earlier clauses on page 18, and prior thereto, provision is made for the sending in of objections. On page 18, Sub-Section 8, is: "If at the expiration of the said period of one month no notice of objection shall have been served on the corporation, then the corporation may publish notice to that effect in the 'London Gazette,' and as from the

Chairman—continued.

the date of such notice such assessment shall become final." I take it, therefore, that the amendment would be anterior, and would refer to some objections or representations made to the council anterior to that period.

861. But that seems hardly the contemplated operation of Sub-Section 12, is it; because the words there used are, "may from time to time, if they think just"?—But subject to the provisions of this Act.

862. I suppose that would mean from time to time putting in force all the provisions of the Act; what you mean by it is perhaps the more important question. We can settle for ourselves what the meaning of it is as it stands, but is it your view that you have a continuous power in the corporation to alter the assessment?—No; only before they appoint the arbitrator and in view of the objections which may be made, which they might consider reasonable. I do not see any other power given them by this Bill to deal with such a question. A clause of this sort should have come a little earlier, I think.

863. The conclusion of Sub-Section 13 would seem to show that once the award is made everything is concluded by it, and that it is absolutely final, would it not?—That is so.

864. Probably the confusion arises from the place that No. 12 occupies?—I think so.

865. If it were earlier it would be understood to be only before you get before the arbitrator, would it?—That is entirely my view.

866. As you have called attention to that, it might be worth while to ask you, in your judgment, would it be desirable to have a power to reconsider the assessment if it were found to be pressing unduly and unjustly upon some persons who had been assessed to an improvement rate, and whose property had not been improved. Would you consider it a desirable thing, then, to have the assessment re-opened or not?—I think that the assessment should only be re-opened to the extent provided in the clause, namely, by going before the arbitrator, unless, indeed, it is done by the corporation sending out a provisional assessment, which I should advise them to do, and to let everybody know beforehand what was in contemplation, without waiting for the serving of the statutory notice upon them. We should give them, probably, notice, as we have done in apportionments, and send a provisional notice of what that the corporation propose to do, and give them an opportunity of attending and stating their case. But beyond that, and beyond the existing provisions, I do not think it would be wise to give any power to re-open any question.

867. I think there is a little confusion, is there not. We are dealing first of all with the question of the area within which the Legislature will allow your powers to operate. That is one thing. Then, having got powers from the Legislature to include a certain area within the improvement rate, the other and totally different question is how the individual properties are to be valued. Those are two different things altogether?—I quite agree with that, my Lord, my understanding of your Lordship's question was, was there to be any re-consideration of an assessment at any future period.

Chairman—continued.

868. The assessment of what?—Of the charge imposed.

869. Not of the power of making an assessment, but of the assessment itself in the event of its being found inaccurate?—Of the actual charge made after it had been running for a period of years.

870. Just so?—I think that would be quite inconsistent with betterment, as I understand it.

871. You may be right, but why is that more inconsistent with betterment than the ordinary quinquennial valuation of the Metropolitan area?—Betterment is designed as a contribution, and really as a capital contribution. The fact of its being put as an annual charge is a commutation for convenience. The charge once imposed, I think, would have to remain. The local authority is supposed to receive something definite as an asset, not something fluctuating; the local authority is not a rating authority.

872. But that is only a question of their taking the annual value, is it not. I want to know whether there is any reason. We know what the assessment of a tenement is for the purpose of poor rate, but I am not able to follow at present why, if it is three per cent. on one half of the improved value which you have got for a certain number of years, because it has had that value. If that value suddenly falls, and the capital value has fallen, the three per cent. should not follow it?—So far as I understand the principle, my Lord, it would be not an alteration which I could express any assent to, or give otherwise, if I were asked, than an adverse opinion upon.

873. I want your opinion, whatever it is, adverse or not?—My opinion is in the negative, my Lord.

874. Then do you think it would be just if it was supposed that the property was increased very much in value, and once for all an improvement rate had been fixed upon that property; that any person who owned the property should have it fixed upon him for ever, although it might turn out at the end of 15 or 20 years that it was an entire mistake, and the property was not improved at all?—That is my view.

Lord *Egerton.*

875. There is one point in which the Manchester Bill differs from the London Bill, which I have mentioned before, namely, on the question of the lessee or occupier compounding for the annual charge. In the London Bill it is for the definite period of 33 years' purchase. In the Manchester Bill, as I understand, it must be by arrangement with the corporation. Is that intended to be more or less favourable to the owner; it seems to me on looking at it it is less favourable to the owner?—May I be allowed to explain that the clause which we received from the London County Council was the clause in their Bill of 1893. We had a print of that before us, and our Committee accepted that. Then in the Bill of the present Session the London County Council introduced the period for redemption your Lordship refers to, but our council having adopted a resolution approving of the old clause, we did not think it necessary to alter it, but we are quite prepared to insert it.

876. It

Lord *Egerton*—continued.

876. It would seem whether 33 years or not, a definite period would be fairer to the owner, because otherwise he would be entirely at the mercy of the corporation, would he not?—We should be prepared to assimilate our Bill in that respect.

Earl of *Denbigh.*

877. The Committee gathered just now from Alderman Clay that it was the intention of the corporation only really to charge an improvement rate on properties that had been definitely shown to have been improved?—Yes.

878. You do not want to charge an improvement rate on properties that are not improved, do you, because such a proceeding would be manifestly unjust?—Certainly not.

879. What is the difference in the matter of injustice between charging an improvement rate on property that has not been improved at all and charging a high improvement rate on certain properties and continuing that high rate if you find the improvement has not amounted to as much as you have expected?—My view was this: that in reality this was a capital charge; the postponement is for the convenience of the party paying it, and that it would introduce uncertainty and great confusion into the matter to have any review or to let this rent fluctuate.

Lord *Hobhouse.*

880. I suppose your contention is, is it not that betterment is a contribution on the part of an owner whose property is supposed to be improved once for all to the cost of the work?—That is so.

881. Although for convenience it takes the form of an annual charge, does it not?—That is so.

882. On what terms would you suggest that a redemption on the annual charge should take place if such a charge were made?—We should have no objection to the 33 years' purchase suggested in the London County Council Bill.

883. You begin, I think, with 25 years' purchase of the supposed increased value. How do you calculate your betterment to start with?—That has been described by witnesses before the House of Commons, and I do not think there is any hard and fast rule upon that point; it is a matter of valuation.

884. You would not always take the same number of years' purchase, would you?—No.

Lord *Egerton.*

885. How many years' purchase are ground rents now selling for in Manchester?—We used to deal with ground rents at 25 years' purchase; that was the common and customary mode of deduction, but there may be higher figures now. Probably you would not be able to buy a chief rent at that rate.

886. Thirty-three years' purchase is rather a high sum, is it not? Would it not be rather from 25 to 27 years, according to experience, in Manchester?—We thought 33 years high certainly, but still, at the same time, we have no objection to its being put upon us.

Lord *Belper.*

887. I suppose 33 years' purchase was taken because the interest on the original capital value was put at 3 per cent.?—No doubt.

888. Have you ever contemplated that it might be desirable, if this matter is carried out, that such an annual payment should be paid as might pay for both capital and interest in a given number of years, as is often done in the case of borrowed money. Take, say, 25 years' purchase, and calculate the interest at 3 per cent., which would give 4 or 5 per cent. or whatever it might be, and pay it off in 25 years?—We have not considered it.

889. That has not been put into the Bill, has it?—No.

Lord *Thring.*

890. What notice do you give to a man that his house is intended to be included by a Bill in the betterment area?—He has the ordinary owners', lessees', and occupier's notice; there is a standard form.

891. It is not required at present, but you give it, do you?—We are bound to give it within our area, which is entitled, "limits of deviation and land to be acquired."

892. As a matter of fact, is the betterment area included in your Bill as land to be acquired?—Yes.

893. You do not distinguish it as land to pay a betterment charge do you?—We do not.

Chairman.

894. I am afraid I do not quite understand it now. Supposing a person is occupying land which you have intended to include in the betterment area, but no portion of which you mean to take, you give him notice, do you not?—We do, my Lord, because the betterment area is not recorded upon Parliamentary plans.

895. Is not it?—Not as a specific area. Your Lordships have had the plan before you.

Marquess of *Salisbury.*

896. It is the same as the area of the limits of deviation, is it not?—That is so.

897. And notice is given, is it not, because all the land within the limits of deviation is liable to compulsory purchase; therefore that notice is given; but no other notice is given?—That is so.

Lord *Thring.*

898. Supposing you do not in the least degree intend to purchase my house, but you intend to include me as a payer of betterment, you give me notice in form that you intend to purchase my house, do you not?—Yes, that is so.

899. I thought it was held under the Lands Clauses Act that if I choose to enforce that contract, I might?—It does not become a contract until you get the notice to treat.

900. But still you give me the notice, do you not, that you intend to purchase?—It is a preliminary notice of an intended application to Parliament.

901. To purchase my land?—No.

Chairman.

902. Will you kindly read the notice which you give?—"I beg to inform you that application is intended to be made to Parliament in the ensuing Session for an Act under the above name or title, whereby it is proposed amongst other things to empower the mayor, aldermen and citizens of the city of Manchester, in the county of Lancaster, to make street improvements and other works, and to acquire lands in the county of Lancaster, and that the property mentioned in the annexed schedule, or some part thereof, in which I understand you are interested, as therein stated, will be required for the purposes of the said undertaking or works according to the line thereof as shown upon the plans deposited as hereinafter mentioned, or may be required to be taken under the powers of deviation on either side of the said line which will be applied for in the said Act, or may be required to be taken for other purposes." Then there is a reference to plans and sections.

Lord *Thring.*

903. Suppose I receive that notice, I may be very willing indeed that my land may be acquired, because we all know that that means compulsory purchase with the usual 10 per cent.; but I may be perfectly unwilling that it should be charged as a betterment. All I want to know is this, have I any notice, directly or indirectly, that it is to be charged by way of betterment; I have no such notice, have I?—That is so.

904. When do I get a notice, or when do I hear that it is not intended to be acquired but that it is intended to be charged?—The advertisements which are issued at the same time as this notice usually put all parties upon inquiry, and then they get a copy of the Bill which gives them full details, which are set out also in the notice advertised in the newspapers.

905. Does the Bill state distinctly (again dealing with land which you intend only to charge and not to buy) that it is not intended to be bought, but is intended to be charged?—It is in this way, my Lord. In Clause 23, Sub-section 1, it is provided "All lands within the limits marked in the deposited plans as 'limits of deviation and of land to be acquired' in relation to the said street improvements respectively but which shall not be purchased and taken by the corporation under the powers of the Act." There the corporation have the option either to give you notice to treat to buy you up or to make the betterment charge.

906. But even if I read the Bill, and being an unlearned man not likely to understand it, I want to know when I get any common sense notice that you intend to charge my property, and that you do not intend to buy it. Is it before the local inquiry takes place?—According to the present practice you only receive the notice which I have read to you.

907. According to the present practice there is practically never any notice at all, and a man never gets notice that his land is to be charged, does he?—He does not get specific notice.

908. Does he get any notice?—Only what I have read.

Lord *Hobhouse.*

909. Under the Bill he gets notice that his land may be taken or may be charged, does he not. That would be the distinct effect of the clause "all lands within the limits of deviation." Therefore he gets notice that such property will be taken or will be charged. I suppose until you execute the improvement you never know how much land within the limits of deviation you will actually take, do you, but if there is any land left untaken which you wish to charge then you give the second notice provided for by the Act?—That is so.

Lord *Thring.*

910. Then I will put another question. You talk of a local inquiry which I agree is practically the only mode in which a poor man can resist this matter; but when the local inquiry is going on, how does he know which you are going to take, and which you are going to charge?—The notices of holding the local inquiry are posted all over the City. It rests with the Local Government Board to determine what notice shall be given. The Local Government Board are very particular, and in some cases now hold sittings in the evening, so that the working class might attend; I should not be responsible for the issue of that notice, it would rest with the Local Government Board.

911. I am not against betterment, but as a matter of fact when a local inquiry is going on, how can an ordinary owner, without a lawyer by his side, tell that he has to oppose a Bill on the ground that his house is going to be bought, or that it is only going to be charged?—I have answered your Lordship to the best of my ability.

Chairman.

912. We know what notices you do give?—Yes.

913. And those notices speak for themselves how much the man is informed of it. Whether or not he is able to distinguish between the possibility of his house being taken or the possibility of his house being rated, is a question we can arrive at for ourselves?—Just so.

Marquess of *Salisbury.*

914. No notice is ever specifically given to an individual that his house will be charged, is it?—No, not until the later stages.

915. Not even after the passing of the Bill?—Yes, when the assessment is made, or even before. Two months before the corporation commence they give notice to the owner. That is at the top of page 15.

Lord *Thring.*

916. That is after the Act has passed, is it not?—That is after the Act has passed.

Chairman.

917. When the Act has actually passed the Act of Parliament has embraced a particular area with the possibility of its being taken or rated without a distinction between the one or the other, is not that so?—That is so.

Lord *Belper.*

918. Is any notice given in time to a man that his house is going to be charged to enable him to oppose if he wishes to?—Your Lordship's question refers to opposing a Bill or a Provisional Order, does it?

919. Yes?—Well that carries me back to the notice, which I have read, which is coupled with my explanation that in point of fact there is an advertisement also referring to the betterment charge, and by that means a person is led to call at the town clerk's office and see the Bill, where it is always to be seen.

920. But he wants to decide whether his house is going to be bought or charged. Is there any time before the inquiry at which he can tell that?—No.

Lord *Farrer.*

921. What is the meaning of giving the corporation power to take land, or not to take it within the limits of deviation; to leave them free, is it not?—That is so.

922. Because they cannot tell at that time exactly what land they want to take, and if they cannot tell exactly what land they want to take, can they possibly tell at that time what property they will wish to put a charge upon or not?—They cannot.

Lord *Thring.*

923. Then I repeat my question. What I ask you is this: Is it possible for a man to know before the Act is passed whether he ought to oppose the Bill, on the ground that his land is intended to be taken, or on the ground that it is intended to be charged?—The information is not given.

Lord *Hobhouse.*

924. Is it possible to give it. This is the first experiment you have made as to betterment, I think, is it not?—That is so.

925. And you have confined the possible area of betterment to the actual limits of deviation?—Yes.

926. Then the limits of deviation are fixed, I believe, in all these Bills with reference to the possible wants of those who execute the improvement?—That is so.

927. And until they come to execute the improvement they do not know, do they, how much they will take and how much they will leave?—That is so.

928. Then is it possible to give a man notice beforehand until you come to execute the improvement of whether his property will be taken or left?—I do not think it is practicable.

Chairman.

929. If my noble friend will forgive me, you use the word "possible" in two different senses. Take the example before us; I can quite understand that where your street is improved you may have beyond the central line on one side or the other a certain amount of land, and that you cannot make up your mind. But your words "limits of deviation" are used in an unnatural sense; they include not only what you may want for actual works, but for a possible area of taxation, and I suppose no one ever knew, taking this case for example, that you never intended to make that part of your street. Then why could not a person who is occupying a house or property which you never did intend and cannot possibly require for the purpose of making your street, be told that he is going to be rated for betterment, although his property is not going to be taken; where is the difficulty?—In some cases the owners have actually petitioned where they have found it.

Chairman—continued.

930. I am not asking that; I am asking what is the difficulty in doing it where you know perfectly well you are not going to take the land?—If the surveyor or engineer, or improvement authority, had matured their scheme sufficiently to enable it to be done, it is quite possible that notices could be given in respect of a betterment area, if it should be thought fit to have a specific betterment area.

Lord *Farrer.*

931. Is there any greater hardship upon a man, not knowing whether his property will be charged for betterment or not, being within the limits of deviation, than his not knowing whether his property will be wanted at all or not, which is the case at present?—No, I do not think there is.

Earl *Cowper.*

932. I think you have as good as owned, have you not, that there is some possibility of injustice to an owner by having an increased value put upon his land in consideration of improvements which the arbitrator thinks would be made, and which may really after all not turn out to be as great as is expected. There must be some chance of injustice, must there not, because the arbitrator is not infallible?—That is so.

933. Would it be fair, in your opinion, that the owner of land should have the option of selling land to the corporation at the final value put upon it by the arbitrator, and do you think the corporation would object to that?—I think they would object; it would be inconsistent with a betterment scheme. Their object is not to acquire the land.

934. But they could sell it, if the arbitrator is correct, at the value put upon it, could they not?—I should not be able to give an assent to the noble Lord's proposition.

Earl of *Onslow.*

935. There is one difference, is there not, between your Bill and the Bill of the London County Council. You have got a clause, Clause 24, which provides that in applying the betterment scheme to certain properties the height of any building opposite those properties should be taken into consideration?—That was inserted by the Select Committee of the House of Commons to meet the objections of a petition.

936. In fact that petitioner thought that he might be to some extent damaged by the improvements, did he?—He raised a question about light, but he withdrew, and therefore we

Earl of *Onslow*—continued.

cannot say that he has accepted the clause, but the Committee desired it to be inserted, and we put it in.

937. If a man may be damaged by reason of obstruction to his light it is possible that there may be other reasons which might cause damage to property although they are not provided against, especially in the Bill?—We thought ourselves that this matter would come within the purview of the arbitrator. We did not consider the clause necessary at all.

938. But the Committee did?—But the Committee did.

939. Then I think you said that you received this clause from the London County Council?—Yes.

940. Did the London County Council communicate with you and send you down a clause which they would like to have put in your Bill?—No, not all. The London County Council wrote to say that notice had been given "both in the House of Lords and the House of Commons, of a proposal to appoint a joint Committee of both Houses of Parliament in the next Session to consider the matter. The scope of the inquiry of the proposed Committee will be shown, and I should be much obliged if you will bring the matter before your council in the hope that you may receive instructions to co-operate with us in endeavouring to obtain legislation." It was that we should appear before the joint Committee of both Houses then contemplated, to express if we could, our support of their clause.

941. Before that time you had never introduced any Bill containing a betterment clause?—We had not. That communication was dated in October last, but our Council adopted in July a resolution in favour of the betterment principle, so that we had considered the betterment question before we got this copy of the clause, and the formal communication which I have read.

Chairman.

942. Will you kindly explain to me what the the 24th clause is supposed to do; I do not understand it. If a person had ancient lights that were being interfered with by your erections, they would be already protected under the Lands Clauses Act, would they not. What is that 24th Clause intended to do?—May I explain it by reference to the plan. The suggestion was that the corporation were acquiring this property at the end, and the Committee were anxious that we should not erect, or permit the erection of any buildings, which they said might be 100 feet in height. We have no such intention; we should not build beyond 55 or 60 feet, and we therefore accepted the clause.

Chairman—continued.

943. That I conjectured, but I am afraid you do not quite follow me. Will you look at the clause itself and tell me what it means or rather what you intended it to mean?—The object of the clause is to call special attention to the fact that we are tied in some way that we shall not hereafter erect a very tall building to damnify the lights of this property.

944. It is unfair to ask you, because perhaps you are not responsible for the drafting of it?—Our Parliamentary agent prepares these clauses.

945. I only want to know what it means?—The arbitrator is to have regard to this question of the light, and it means, I think, that he will have to look at it; it is mandatory upon him that he investigates the question.

946. When he has looked at it, what then?—Then he must take it into account in the betterment award, if he thinks that the lights are injured. We, however, can satisfy the arbitrator that a building of an excessively high character will not be put there.

947. Did you intend then to assume that he was entitled to ancient lights which were being obstructed?—No.

948. Then you meant to give him compensation for something which was not an injury to his legal rights, did you?—We meant to come under terms that we would not put up any unreasonably high building.

Marquess of *Salisbury.*

949. I understand that after the arbitrator's decision is given, you may build up to 200 feet if you like?—We should not contemplate such a thing in any form.

950. But you have power to do it?—We are willing to give a covenant. The Chairman of the Improvement Committee was willing to say then and there that we would not raise these buildings more than 50 feet in height, and so solve the question, but the Parliamentary agent has prepared the clause in its present form. I am not responsible for it.

The Witness is directed to withdraw.

MR. WILLIAM HARPUR, is called in; and, having been sworn, is Examined, as follows:

Chairman.

951. WHAT is your position in reference to the Cardiff Bill?—I am a member of the Institution of Civil Engineers; a member of the Surveyors' Institute, and I am the engineer and surveyor for the county borough of Cardiff. I am instructed by my corporation, I might say, to appear before your honourable Committee and give any evidence or information which I can upon this question of betterment.

Chairman—continued.

952. Will you kindly tell us what is the provision in the Cardiff Bill which you have promoted this year?—The Cardiff Corporation have a Bill before Parliament this year for the construction of certain new streets, and street and bridge improvements, in all 27 different works, in addition, I might say, to waterworks, where the betterment clause, of course, would not take effect.

953. Is the form of it the same as that which we

Chairman—continued.

we know as the London County Council clause?—The form of the clause was similar to the London County Council clause of last year, but I might say that in consequence of an omission in the "Gazette" notice our betterment clause has been struck out of the Bill by the Standing Orders Committee.

954. As it stood originally was it the same?—Yes, with one exception, which I will explain to the Committee. The exception was that in our Bill we did not include within the limits of deviation all the properties which it was intended the betterment should apply to. Instead of including all the properties within the limits of deviation, our Bill stated that all properties within 100 yards of the line of any proposed work might be subject to the betterment charge.

955. Was that irrespective of its being frontage?—Irrespective of its being frontage.

956. And did it provide any machinery by which that question of the improvement was to be ascertained?—The machinery for the decision as to the improvement was precisely as in the London County Council Bill of last year.

957. Have you got a plan of the proposed improvements?—I have a plan of two or three. There are so many, that I have brought plans of three typical improvements.

958. Did the betterment clause apply to all these improvements?—Yes.

Marquess of *Salisbury.*

959. Was your proposal "100 yards on each side"?—"One hundred yards on either side," I believe were the words. There were two lines, as, for instance, in this case (*the Witness produces a plan*). You see there are two lines, one on either side of the road. There is an intended line of widening *here*, and another line of intended widening *there*, so that in this case it would apply to 100 yards of any of these red lines.

960. What was your ground for thinking that the people within 100 yards of these two lines would be bettered more than anybody else?—It was simply a limit. It would not necessarily follow they would be bettered to the extent of 100 yards, but it could not apply beyond 100 yards.

961. Then, so far, it was an injustice to the people within the 100 yards if those who ought to have been included were left out, was it not?—Yes; if there were such cases.

962. You think the betterment could not possibly extend beyond the 100 yards, do you?—I do not think so in any of the improvements proposed in our Bill, except in one case.

963. Do you recognise that to a good many people within the 100 yards the betterment would not apply?—Yes. Here is a case of an entirely new street, extending from a public highway round *here* to one *there*. It opens out an entirely new district of undeveloped building land. That land is at present practically unapproachable for building purposes. It is cut off by two railways on *that* side; it is cut off by a strip of common land, extending the whole length of the land in *that* direction, and it is cut off by the River Ely on *that* side; so that, at the present time, that land is practically unapproachable for building purposes. A benefit in that case, undoubtedly, would extend beyond the 100 yards.

Marquess of *Salisbury*—continued.

964. The benefit, of course, consists in a proximity of the means of approach for the purposes of building?—Quite so.

Earl of *Onslow.*

965. Did any of the owners there oppose?—In this case there was simply one owner who had an acre and a-half of land who opposed. I might say on the question of betterment there were two or three other opponents, but, of course, when the Betterment Clause was struck out of the Bill, their opposition was withdrawn.

Marquess of *Salisbury.*

966. Within the 100 yards, if they were near either of these existing roads, they would not be bettered at all, would they?—They are really not in that case. I might say *here*, for instance, they are cut off by the common land, and *here* they are cut off by land which belongs to the corporation right up to the railway on that side, so that absolutely there is not a single owner whom that street would affect, who really is within 100 yards of any public highway at the present time.

Chairman.

967. The Committee did not quite understand upon what ground the Betterment Clauses were withdrawn. What notice was it that was not given that ought to have been given?—The notice that was given was the notice similar to what was given in the London County Council Bill of last year, and it appeared that in the course of the Bill some alterations were made, and a second notice was given by order of one of the Committees of the House, I think of the House of Commons. An amended notice was given, and the Bill was amended also. The clause which was put into our Bill was the amended clause of the London County Council Bill of last year, but unfortunately the notice which was given was the notice of the Bill as originally deposited, so that the two things did not comply with the regulations in several details.

968. You mean your Bill and your notices did not concur, do you?—Yes; it was an omission, I think, in obtaining the information from the London County Council. They forwarded to us the one notice, and the other clause, and the two things were not in accord.

969. You have mentioned three typical examples of betterment, have you not?—Yes.

970. I have only two, at present?—Here is another. (*The Witness produces a plan.*) Here is a proposed outlet into the Newport-road, and also a widening of a footpath, or rather converting a footpath leading from Newport-road into Clifton-street into a street 40 feet wide. Now the point here is this, that that street (Piercefield-place) is at the present time a *cul-de-sac*; it is unapproachable from the Newport-road, which is one of the best residential streets in the borough, and is simply approachable by these back-ways, and forms a little pocket

Chairman—continued.

pocket street. We propose to continue it out into Newport-road, and thereby that property must, necessarily, be very much benefited by the improvement. It gives a direct approach from one of the very best thoroughfares in the town, instead of having to go through back streets. Then the widening of this line—Broadway—which is a street containing originally cottage property, but on account of the enormous development of building in the neighbourhood of recent years, it has become a business thoroughfare. People are by degrees converting their houses into shops, and making it into a business thoroughfare. Newport-road residents would be glad to be rid of the traffic which runs in this direction; the traffic will by the proposed improvement be sent through Broadway, which is the shortest way to the eastward; it will benefit the inhabitants of Broadway, and, at the same time, not injure the residential property in Newport-road.

971. Have you observed the same principle of 100 yards on each side?—The same principle applies in all cases.

972. I suppose some of these places here are more than 100 yards off, are they not?—Yes.

973. If I understand rightly, the area of actual betterment is very much wider than you have taken, is it not?—One hundred yards would extend to about *there* (*pointing on the plan*).

974. That is a species of betterment which is applicable to the whole block of property, is it not?—Quite so. I might say that the reason for that is this: if we include, within our limits of deviation, the whole of the property within that 100 yards radius in our Bill, we should have to estimate for the purchase of that property, and with 27 different improvements of this kind taking all the property within 100 yards—or presuming you made it less, even—if we estimated for the purchase of all those properties with the full intention of never purchasing them, but simply for the purpose of getting them within betterment, we should have had to apply for an enormous sum of money, in fact, ten times the amount for which we now apply for property which we actually never intended to purchase.

975. That arises, does it not, from the necessity of getting a betterment area with a stated intention of purchasing, which you have no intention to carry out?—Quite so.

976. That, of course, could be altered, could it not, if Parliament thought in its wisdom proper to say when you intended to take betterment you should take betterment, and when you intended to take purchase you should take purchase?—Quite so; and I think that is a distinction which clearly ought to be made, that properties which are only intended for betterment should be scheduled as only intended for betterment, and not scheduled as properties to be purchased.

977. And, of course, should receive notice?—Well, in our case I might say no notice was given as to those properties within the 100 yards. I am speaking now purely and simply my own opinions, not those of the corporation. You can understand I am perfectly at liberty to express what are my own convictions, and not those of the corporation. My conviction is that those people within that limit ought to receive

Chairman—continued.

notice in the same way as if we intend making a new cemetery or putting up a destructor or crematorium, or anything of that description which is likely to cause a nuisance; we are obliged to give every one within a radius of 300 yards notice of our intention so to do. If we intend making a charge on these people for the betterment of their property by the execution of our improvements, it is only reasonable that we should give them a similar notice that they would come within that radius.

Marquess of *Salisbury*.

978. There would be no very exaggerated administrative effort in giving that notice, would there?—I see none whatever.

Lord *Belper*.

979. I suppose there would be always some property as to which until the last moment you would not know whether you wanted to purchase, whether you only wanted to charge for betterment?—That must always be so.

Lord *Farrer*.

980. But you might give them double notice in that case, that you proposed either to take or charge them, might you not?—I think that would follow as a matter of course, they should receive a double notice.

Chairman.

981. There would be no practical difficulty, would there?—None whatever.

982. Although you may have some little doubt as to whether it is a yard or two one way or the other when you come to a question of a hundred yards, you have never any doubt where you intend to carry your works?—No, we have not. If that notice were given there would be no difficulty whatever in afterwards deciding where the works should be carried out.

983. In these cases which you have given us the only one where you have to deal with virgin soil and the improvement is going through land unoccupied is comparatively a small matter, I suppose?—Yes, it is.

984. There can be no real doubt, can there, that the property so made valuable is improved?—I do not think there can be a shadow of a doubt in that case.

985. Probably not. What do you say about the others where you are dealing with existing streets and existing interests; is that so clear?—In this case, I think, I explained to you that at any rate with those two blocks of property there must necessarily be an increased value.

986. I follow you there, but what would be the improvement to the people *here*?—They could not possibly come within it, or a great many of them.

Earl of *Onslow*.

987. Is that the 100 yards you are pointing to?—Yes, a great many of them could not. In the other case it is a case in all probability where the properties would be mostly benefited by the removal of that little triangular piece *there*. *This* is a main thoroughfare, the road running, you may say, from

Earl of *Onslow*—continued.

London to Milford right through Cardiff, and it is a property which is being rapidly developed from residential properties, cottages and so on, into shops. But this property *here* is about the oldest property anywhere in that district, and it is a most dilapidated property, inhabited by a disreputable lot of people; in fact it is a blot on the neighbourhood. The intention of the corporation is there to widen these two streets leading into *this* main road, and there is no intention of afterwards building upon that piece of land at all. In fact the whole piece will be thrown either into the street, or will be enclosed by iron railings, and planted with trees and shrubs. As a result, therefore, these properties immediately facing that would undoubtedly be benefited. Beyond that I do not think the other properties would be either injured or improved.

Chairman.

988. But nevertheless they are included in your 100 yards, are they not?—Yes, they are.

Marquess of *Salisbury.*

989. If there were specific notices the local authority would be compelled to consider whether it would include that property within the area of betterment, and to give notices accordingly, would it not?—Yes.

Earl of *Onslow.*

990. In estimating, as I understand you, the arbitrator would have to decide of the value of the benefit to a portion of the property which was within the 100 yards, and that portion which was out of the 100 yards; do you think it would be an easy matter to accomplish?—In most cases I think there would be no difficulty.

991. Given a warehouse with a depth of 150 feet, 100 feet of which was within your area, and 50 feet was without, do you think it would be possible to separate the amount of benefit to the 100 feet from the 50?—In that case I think the corporation would be obliged to buy the whole property.

992. But you do not propose to buy at all, you propose to charge. Supposing this property has a depth of 150 feet, we will say, 100 feet of which is within your limit and 50 feet beyond it, do you think it will be possible to separate the benefit to the 100 feet from the benefit to the 50 feet?—That is a peculiar question, certainly; but I do not think there will be any difficulty.

Earl of *Onslow*—continued.

993. Will you not practically be assessing the benefit to the whole 150 feet?—It must result in that. Instead of taking the whole value of the property, you would have to take the basis of a half, perhaps.

994. It would come to this: any part of the property which was within the 150 yards of the improvement would have to be assessed to the improvement, would it not?—Not necessarily, unless it could be shown there was actual increased value to the property.

995. Could you show that there was increased value to one portion of the property and not to the whole of it?—It would be simply a matter of degree upon the whole. It would affect the whole, certainly; I do not see how it could be otherwise.

Chairman.

996. I suppose in the familiar case of making a back street into a front street, the frontage there becomes more valuable?—Decidedly,

997. And, given that as an illustration, you would have no difficulty in saying there was improvement?—Undoubtedly.

998. But the mere proximity of one back street to another, which back street has itself become a main thoroughfare, does not necessarily mean improvement, does it?—No, it does not.

999. But the mode of making the improved area, depending upon a certain number of feet, appears to be open to exception, does it not?—It is open to exception to some extent; but you see, if you place a number of feet instead of a limit of deviation it does not necessarily follow that all the properties within that distance must be charged to the increased rate.

1000. And you assume, do you not, for the purpose of ascertaining the just rate, that an arbitrator will afterwards fill up in detail what you have only in gross given?—Certainly.

1001. And that he will only assess as liable to a betterment rate that which has in fact been improved; is that so?—Exactly.

Lord *Farrer.*

1002. Have you made any calculation of what you expect to get by this betterment to Cardiff?—No, we have not.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to-morrow, Twelve o'clock.

Die Veneris, 1° Junii, 1894

LORDS PRESENT:

Duke of NORFOLK.	Lord KENRY (*Earl of Dunraven and Mount Earl*).
Marquess of SALISBURY.	Lord EGERTON.
Earl of DENBIGH.	Lord HALSBURY.
Earl COWPER.	Lord HOBHOUSE.
Earl of ONSLOW.	Lord LINGEN.
Lord ZOUCHE OF HARYNGWORTH.	Lord THRING.
Lord BELPER.	

THE LORD HALSBURY IN THE CHAIR.

MR. JOHN FLETCHER MOULTON (a Member of the House of Commons), is called in; and, having been sworn, is Examined, as follows:

Chairman.

1003. I UNDERSTAND you are willing to give the Committee the benefit of your experience on this subject of betterment?—I do not know that I can assist the Committee very much, but for a long time I have considered the matter, and I have had more or less connection professionally with some of the Bills in which the principle has been put forward. I was one of the leading counsel in the case of the Strand Improvement Bill, and this year I was counsel to the Manchester Bill which has passed through Committee. I think I was retained as counsel for the Tower Bridge approaches of last year, but I was unable to appear because I became Alderman of the London County Council, and I gave evidence on the Bill though I did not appear as counsel. During that period I have had very frequently to consider the principle of betterment and the machinery for applying it, so as to carry out its true intent. Although I am not responsible in any way for the clauses that I believe have been specially discussed before your Lordships, yet I am of opinion that, to a certain extent, the form in which the clause now stands carries out the principle. I do not know on what points your Lordships would like me specially to give my opinion, but I think that if I took the clause and told your Lordships how far, in my opinion, it carried out the principle, and what was essential and what was accidental, that would be the most useful thing to do.

1004. That would be useful, but I think, in the first instance, one would like to know the result of your investigations and learning as a member of the Bar, with reference to the applicability of these things, not merely to betterment but to sanitation and so forth, and precedents where the principle has been adopted by statute?—So far as precedents go I should be giving

Chairman—continued.

very much inferior evidence to the evidence of a witness who is going to follow me, Mr. Charles Harrison, who has made a special study of those precedents. I confess I have looked at it very much as a question of legislative interest, and have decided the course which, in my own mind, I thought was right and fair, rather than investigated what had been done in the past. I think Mr. Harrison will be able to give your Lordships a most exhaustive account of all the analogues and all the precedents as to this matter, certainly in England, and, I think, elsewhere; so, with your Lordships' permission, I would rather leave it to him, because anything I say will be second-hand.

1005. I thought you might be prepared to give the Committee the benefit of your opinion on these questions, such as sanitation, where the argument, of course, would be that as in sanitation the whole community is benefited and not the persons in the immediate proximity of the work done, the cost should be distributed?—With regard to sanitation, I can scarcely think that that will frequently come under the principle of betterment, excepting in cases where new lands are brought into towns by reason of increased sanitation works, and, as a rule, that is provided for at the moment at which they are added to the area of sanitation; so that I do not look to that as one of the important cases with regard to betterment. I think it will occasionally arise, and, under those circumstances, where a new area is made valuable, or increased in value by the increase of sanitation works, you have a good instance of the application of the principle, but I think it has been to a very great extent applied already.

1006. Then perhaps you had better take your own line and give what you think would be the

 most

Chairman—continued.

most useful information to the Committee as the result of your experience?—The typical case for betterment is a case in which an improvement which is undertaken for general benefit also has a specific effect in increasing the value of local property, and I look upon this principle as an addendum to the general principle of assessment of the price of property taken for the purpose of public improvement. I think that it applies both in the case of property that is taken, and in the case of property which, though not taken, is largely benefited. In the case of property that is taken the Legislature has gone on the lines of, if I might use the phrase, compulsorily putting the owner in the position of a voluntary seller, with certain safeguards in order that he may certainly receive the full value of his property.

1007. Before you leave that will you just explain that proposition, because I am afraid I do not quite assent to your view as to what the Legislature has done. What do you mean by the safeguards. Do you mean the 10 per cent. addition for compulsory sale?—I referred partly to the machinery for fixing the price, which is very carefully arranged, and also to the 10 per cent. for compulsory sale, or the allowance for compulsory sale which, under certain circumstances, prevails.

1008. Is it your view, as a lawyer, that that has been done by the Legislature?—Well, it has been done with the consciousness of the Legislature, most emphatically. It has been a thing that has attached to valuations under the Lands Clauses Act, and has been allowed so to attach by the Legislature, which must have been conscious of the existence of the practice, almost as a legal right, and in some of the later Acts the existence of this practice has been so far recognised that special provisions have been put in to say that it shall not apply to those cases; so that I think, however it has been introduced, it certainly has continued with the sanction of the Legislature.

1009. I rather appeal to you as a lawyer to tell me in what part of the Lands Clauses Acts do you find any recognition of such a principle?—I think it would have been quite possible that the Lands Clauses Acts might have been worked from the first without the application of any such principle, and I think if from the first it had started in that way probably it would have gone on without anyone thinking that in the Lands Clauses Act there was anything to authorise the 10 per cent. But from the first the opposite was the fact.

1010. You mean that valuers and gentlemen acquainted with the value of land and the desirability of giving evidence on such subjects, invented that principle?—I really do not know who was the first and true inventor of the principle, but it became so recognised that if the Legislature had not intended it to continue it must have taken notice of it in subsequent Bills in which the Lands Clauses Consolidation Act was incorporated. As a matter of fact, the only notice it has taken of it is to exclude its principle in certain cases, and therefore, whether it be a right or a wrong principle, I think we must take it that it has received a sanction

Chairman—continued.

equivalent to legislative sanction, even though it is not to be found in the original Act.

1011. With reference to those cases in which it has been excluded, have you any experience as to whether the proper tribunals for assessing value have regarded that prohibition or not?—As far as my experience goes, I think they have.

1012. Because we have been told that they have totally disregarded it?—I cannot say that I have had very large experience under those particular Acts. I remember a case in Manchester in which with regard to an insanitary area, the arbitrator had acted according to the Act, and had not allowed anything in respect of compulsory sale, and I must have had other cases.

1013. Do you mean not allowed in the sense of having given it as a specific item in the valuation?—No, in which so far as one can judge, he had given only the market value. I cannot recall cases to my mind, but I think that I should feel considerable confidence with an arbitrator of standing, that he would regard the provisions of those Acts in that respect

1014. I think there are but two, if I remember right, one is Lord Cross's Artisans' Dwellings Act, and perhaps, you can help me to the name of the other which I forget?—I think there are some local Acts also which follow it in that respect. I think the position of a willing seller is that he considers in the price all the circumstances which affect him; for example——

1015. I may interrupt you for a minute because it may give you an opportunity for explaining. The only reason I interposed was that you spoke of the Legislature having enacted a willing seller and then included in that 10 per cent. for compulsory sale, which seems to me a contradiction in terms?—I quite agree with your Lordship if I might respectfully say so, but I think the Legislature has put the person who does sell land in a more favourable position than the willing seller in that respect. I did not mean to say he was not in a more favourable position, but what I meant was that the price is assessed subject to that additional advantage on the principle of what a willing seller would take for the property. Now a willing seller includes in his price all the things which are advantageous to him. For instance, a willing seller would part with a piece of land for a purpose which would enhance land of his that lay round it, for a less price than he would part with it for a purpose which would depreciate that land, or not improve it. And I think that when you apply the question of betterment to a case where property is taken of the person whose other property is bettered, you cannot get at a fair price for that which is taken by the public unless you consider the collateral advantages which come from the fact that this is taken for the purpose of the improvement. So that in the case of owners who have some land taken and other land not taken, I think the principle of betterment is only carrying out in a rational manner the principle of paying him with this advantage with regard to the 10 per cent., what is the true price at which a willing seller would

Chairman—continued.

would sell the property. Then if you pass to the case of a person who is not parting with any property, I look upon it in this way: That the public are going to spend a certain amount of money which will improve his property situated in the locality. The public are going to do that with public money. All alike will receive the benefit that follows to the general public, but if there is a person whose property is going to receive a special improvement on account of its locality, he must be looked upon as in the same position as a person who might reasonably be expected to make this contribution towards doing it, which represents at all events a large proportion of the advantage which he would get from its being done. He is not a willing seller, but the Legislature would go one step further and say that he ought to be looked upon as a willing contributor, just as in the other case you assess the price (with a certain advantage) on the basis of his being a willing seller. Now I think you ought to assess the contribution on the basis of his being a willing contributor, that is, a person who would contribute money towards that which would benefit his property over and above the ordinary general benefit. In carrying out the principle I think that ought to be our guide, and that we ought, as it were, to assess what contributions a person ought to be willing to make to this improvement, on the ground that it brought him as large, or a larger personal benefit from the improvement to his property.

1016. Then, proceeding upon the assumption of consent, would you think it desirable to provide any means for those affected by the improvements to signify their actual consent?—I would, in that respect, treat them exactly as we treat persons whose property is going to be taken. They very likely oppose a Bill. If there are other grounds for opposing it, they of course can be heard, but the Legislature decides that they shall have property taken, apart from their consent, at prices which are liberal prices for the person who is willing to part with it, on the principle that, provided you give them the value of their property, you do not injure them by requiring them to take the value and give up the specific property.

1017. But in that case the Legislature has provided a complete code which, according to your experience, amply satisfies the person whose land is compulsorily taken, does it not; may I ask here, would you provide a complete code therefore to protect all persons whose property may have fixed upon it a betterment rate?—I think that the clause should provide such a code, and I think that without great additions it can be made to do so.

1018. I am only speaking of the abstract principle?—I think, in both cases, the consent, as a fact, does not exist, but we do not do any harm to the persons by, as it were, legislatively giving their consent, provided we do not diminish their property by so doing; but give them a fair equivalent in the one case, and require only a fair contribution, less than the benefit they receive, in the other. In the present clause the proportion of improvement that is exacted as a contribution is 50 per cent.

Chairman—continued.

1019. Will you forgive me for suggesting that you are beginning with the *quantum*; is there not an earlier question, the question of improvement?—I simply want to say that that 50 per cent. which, in my opinion, is probably too low and only suitable for the tentative stage, is not in my eyes an essential part. It corresponds to the 10 per cent. to which your Lordship has referred, and whether that is too much or too little is a matter which does not seem to me to be at all a part of the essence of the scheme. It corresponds to the 10 per cent., and I think it ought probably to be larger than the 10 per cent., but whether the 50 per cent. is a right figure or not is a matter on which I do not express an opinion.

Marquess of *Salisbury.*

1020. Do you mean that the person whose land is compulsorily improved ought to have more, or ought to have less?—I think he ought to have more, if you ask me.

1021. I see, but this is merely the beginning?—I hope when your Lordships have considered the clause we may get beyond the beginning, but these Acts, certainly, are only the beginning, and they ask, I think, only a very small proportion of the benefit received.

Chairman.

1022. You have used a very significant word, Mr. Moulton, you said that they were "tentative"?—I think that these first Bills are tentative.

Marquess of *Salisbury.*

1023. Do you mean tentative with the view to the tolerance of Parliament?—In this way. I think that, when this principle of betterment is introduced as a fundamental part of the valuation of property affected by improvements, it will be found to work much more easily than people who are frightened at the novelty of the matter consider, and that the opinion will grow, that it is fairer to take a larger proportion than 50 per cent., say 70 per cent., or perhaps 75 per cent. Then I think that the community will say that the larger proportion ought to be taken. In all cases it ought to be substantially less than the total benefit, because we want to make sure that we do not take from the man more than the benefit that he gets. But I think we shall feel that the margin of 50 per cent. is too large a margin to leave for that fear; that we shall get certain that the machinery which we shall, of course, improve by practice will work no injustice, even with a smaller margin of safety, if I may use the phrase, than 50 per cent. I think it is quite fair at first to begin with a large margin, because our machinery may be clumsy, and may not be suited perfectly to ascertaining what the improvement is, and as one does not want to do any injustice at all, one would begin with a larger margin of safety than one hopes one will be able to work with later on. That is generally the experience with every new thing. You always commence with a large margin of safety, and then find out that you can work safely with a smaller one. I do not know

Marquess of *Salisbury*—continued.

whether your Lordships would wish me now to turn to the clause.

Chairman.

1024. I thought, perhaps, the proper way would be to exhaust the different topics and deal categorically, if you can, with the principle on which the thing is to be done, and the area and the mode of ascertaining that area, before you deal with the *quantum*?—With regard to the area, I confess that I am a little sorry that the Bills bringing the matter before your Lordships' Committee are a little peculiar. The area was only taken, as far as I know, for the sake of keeping a large margin of safety, and is by no means essential to the principle of betterment. The properties to which the charge is limited are defined as being within the limits of deviation, but there is no connection whatever between the limits of deviation and the question of betterment. Limits of deviation are put for a totally different purpose. I do not think that in any case properties which are not distinctly in the neighbourhood of an improvement will be so specially benefited from it as to come within a betterment charge, but it is quite possible cases might arise where at a considerable distance there might be this special improvement which would render them liable to the charge.

Marquess of *Salisbury.*

1025. Do you go so far as to say the proximity is in itself a presumption of benefit?—I should say relative proximity is a presumption in favour of the probability of greater improvement in comparison with that which is not as near, but I cannot put it any higher than that.

1026. Would not a property at the end of a new street some distance off be much more benefited than the property at the side however near?—There are many cases in which that might be so. I think that propinquity will certainly come in as element, but I should say betterment is a question of fact, and I do not think that you can say betterment depends on or is proportional to propinquity. I think you have to consider each individual case to see whether or not the fact of improvement can be established with regard to each property.

Chairman.

1027. To enlarge that for a moment, if you had a property which was in a side street which was adapted for shops, making a frontage to that would almost certainly improve it, would it not?—Yes.

1028. Take any concrete case that one remembers, say the Strand. The property, we will say in Craven-street, is not occupied by shops at all, would property so near as that be included in the benefit or betterment area, do you think?—When you know the improvement and know the property you can decide. For instance, supposing you were to take Craven-street down to the Embankment and make an opening there, that would very much improve Craven-street. Whether Craven-street would be improved by widening the Strand when Craven-street is a *cul-de-sac* I am not valuer enough to tell, but what I am exceedingly

Chairman—continued.

anxious to do is to keep the question of betterment or no betterment as an issue of fact; viz., has the property increased or not in value? and I think it would make it illogical if you allowed it to slip into a question of propinquity or non-propinquity.

1029. I should quite agree as to that, but the difficulty you see is that the betterment charge, in some of the Bills at all events, is assumed to be made and may certainly, under this Bill, be made long before experience has tested whether the fact that you rely upon has occurred or not?—Of course it is an advantage to decide an issue of fact at the moment when most evidence is available bearing on that issue of fact. But I think we must not forget that the value of property, although it is an issue of fact, is an issue as to what, in fact, is the opinion of people about property.

Marquess of *Salisbury.*

1030. You are rather altering your phrase, are you not?—The value of property is not by any means necessarily the value in use; it is value which may depend on change of use in the future, probably it is best described as depending on the potentialities for use, if I might employ a very ugly word. Therefore, to a large extent, the value of property must be a matter of opinion, and if you take care that your charge is put on at the time when you estimate the increase of value of the property, I do not think it makes it fair or unfair at all that your evidence has not been all that it might be in the future. That evidence is all that people will have to act upon at that moment in deciding whether they will buy or sell, and providing your charge comes on the property at the same time or nearly at the same time as the estimate is made, I do not think that it will be unfair in any case.

1031. You are treating opinion as a matter of fact, but the opinions on which you rely of general value are opinions founded on a large induction of facts which furnish an analogy, are they not?—Certainly.

1032. In this case you have no induction of facts, because there have been no valuations, and there is no mode of calculating how the particular property will grow in value in consequence of a particular improvement, is there?—May I take it that your Lordship refers to the arrangements under the Lands Clauses Act. Shall I answer the question with regard to that?

1033. Yes?—With all due respect, that I cannot agree with for this reason. It appears to me that if you were to ask the people who have experience in the valuation of property (taking the Strand), and you were to say, "Now, we will take mid-Strand away; what do you think will be the value of the northern side?" I think that that would be a valuation which would be neither more nor less difficult than the valuations which they spent their lives in making, and which would not differ in any way in kind from them, and I think they would be able to say with very reasonable accuracy, and accuracy which would depend very much more on the judgment of the person (that is, as to whether he was a good

valuer

Marquess of *Salisbury*—continued.

valuer or not) than on the difficulty of the question, what would be the value of those sites when mid-Strand was gone.

1034. But surely you can give no instance (when you say they have spent their lives in making such valuations) of values given of the amount of benefit or growth which a particular property is to derive from a particular improvement. It is a constant thing to value what the probable growth within a limited time will be, but then that is framed upon rules derived from the whole of the property in the town, or in the immediate neighbourhood, is it not. There is no standard on which this can be based, is there?—Valuing improvement only differs from valuing property in that you have to subtract the old value of the property from it. It is what might be called a differential observation, and not an absolute observation, that is all.

1035. No, but in the meantime there is the general growth of property all round, is there not?—May I put myself for a moment in the position of a person who is valuing under this clause? We will take it that the improvement has been made. He values the property as it stands, he considers what the property would be worth in its old conditions, with its old disadvantages, and he takes the difference.

1036. That I understand perfectly, but that is not all that the clause contains. You assume that the value has accrued, that the improvement has been made, but the clause likewise, as far as I read the words, includes the idea of estimate of the value in the future that the improvement which has not yet begun to operate will confer on that particular property, does it not?—May I deal with the language of the clause by itself?

1037. The new language, if you please?—What I mean is this, the estimate of what will be an improved value when changes are made in property is a thing which comes within the experience of valuers every day. In questions of rebuilding property it is the thing which they have to face, and it is quite ordinary for them to have to decide how much will be added to property by means of, we will say, certain sacrifices and certain expenditure upon it. I do not think that this differs in kind from that form of valuation, and I feel certain many a time a valuer has said to an owner of property, "You know if they do such-and-such an improvement, they will send up the value of your property to a large amount," and has probably given an estimate of that amount. From my experience of the ability of valuers, I have no doubt that they could give a very fair estimate in cases where there has been, to use the language of the clause, "a substantial and permanent increase in value."

1038. At all events, it is a purely speculative and hypothetical estimate, is it not, and you can well understand that the persons who will suffer if the valuers indulge in fantastic values will be naturally apprehensive of the process?—If it is made at the proper time, I do not think it is more speculative or fantastic than every valuation of a property is, where the actual use of the property which is being improved at the

Marquess of *Salisbury*—continued.

moment may be changed. Of course there are some cases in which the use made of property is practically permanent, and there, although there are elements which may raise or lower it in the future, there is much greater ease in valuing then than in cases where a substantial portion of the value of the site or the value of the property is the potentiality for other uses. Now I quite agree in many cases where betterment comes in, it comes in by adding to property a power of being used, or a suitability I had better say of being used for purposes which will give a much larger return, and the valuer would have to consider it. But I submit that that is a thing which a valuer perpetually has to do in his practice. Take cottage property, when there is a question of whether pulling down that cottage property and building warehouses will be a more or less profitable thing. He has then got to estimate (supposing he is acting for the person who proposes to purchase with this object) the value of that property, including as a substantial portion of its value its potential value for these more profitable uses. That is the same thing which it seems to me a valuer who is trying to value the improvement by betterment will have to face.

1039. No doubt in human life one constantly has to act upon an estimate of contingencies which is incapable of verification, and which must be highly hazardous, but do you think that it is just that the law should step in and do this for the man and compel him to take this speculative step against his will?—May I put it in this way? I think it is very much fairer than not doing it, and I will tell your Lordships what I mean by that. Take the case of the Strand. Supposing, at great expense, you swept away mid-Strand, and suppose that the value of North Strand is largely increased by it. That is a supposition for the purpose of explaining my meaning. Now the cost of that improvement is borne by rates thrown over the whole district that contributes, perhaps the whole of London. It is fair, it appears to me, that the burden which they bear should be the net cost of the improvement, and if a portion of the burden they bear is going into the pockets of the persons who, by reason of the local peculiarity and local position of their property, and not by reason of any extra contributions which they make, will receive this large special benefit, I think that the people who are bearing the expense have a right to say, "Before you make us pay this total gross sum you ought, at all events, to get a special contribution from these people into whose pockets a large portion or a certain portion of this gross sum would go."

1040. And analogous injustice, but of a far greater kind, would follow, would it not, to the owners of the property, if a wrong calculation had been made and they were forced, not only to suffer a loss which the improvement inflicted upon them, but also to pay for the infliction of the loss upon themselves?—I agree with your Lordship that it is most important and necessary, where betterment is applied, to take precautions against errors in its application.

1041. Then is it not the obvious way of taking precaution to wait until the improvements have accrued?—Your Lordship must not imagine I

Marquess of *Salisbury*—continued.

am arguing against that. I have in my mind no provision in the clause which will at all militate against your Lordship's conclusion. My own feeling would be that waiting till the improvement had accrued would, in ordinary cases, be the better plan, and I certainly do not intend my language to support any conclusion different to that.

1042. You have dealt with the Strand, but another case which has been laid before us is the Cromwell Road Bridge, which is an improvement of an entirely novel character. I do not suppose the valuers who were called upon to judge have had a single case of the amount of improvement that is given by a bridge to the property near either end of it, and yet, on the speculative judgment of those valuers, you place the fate of the unfortunate people who are brought within the purview of your clause, do you not?—If I were acting for a public body which was going to reap the benefit of the diminution in the charge upon the public of this betterment, and it was a novel type of improvement, I should certainly put off the assessment until after it had taken place, because I should be certain that valuers would be slow to attribute improvement in value to a novel improvement of which they had had no experience, and that a far better chance of getting a fair estimate of the increase of value would be to wait until the improvement had actually been made; and I think, generally, it would be wise for a public authority to wait till then, if it can, in a case of betterment, because I think that tribunals would be more ready to give them the fair estimate of the improvement, and not too low a one, if the improvement had been actually done. I may say that there are words in the clause, as it at present stands, which have excited alarm, and that that alarm was justified is obvious by the fact that some of the very greatest authorities have considered that they might lead to an interpretation of the clause which is not one which I should support. I know that two of the words, the words "may be," in the first sub-section of the clause, are to be struck out by agreement, as it is going through the House, and the other words which have been criticised, namely "will be," I think might, with advantage, be inserted.

Earl of *Denbigh*.

1043. That is the Manchester Bill, is it?—I have the Manchester Bill before me, but I think the same thing will apply to the London Bill. In the case where the words "will be" occur, I think that that only refers to the case where the assessment is earlier than the incidence of the charge, because the charge is, according to the clause, to take effect either at the date of the completion of the improvement or the award, whichever shall last happen.

Chairman.

1044. I think one must get rid of the confusion. You know there are two words which are very liable to be misunderstood. The improvement in one sense is the new work you are going to make, is it not?—Yes.

1045. But the improvement in another sense, and in the sense in which you have used it more than once, is the improvement to the surrounding property arising from the work. You must distinguish between those two?—It is most important, and I think there has been a good deal of confusion, and perhaps there may be confusion in my own answers. I will use the term "increase of value" in one case, and the term "improvements" solely for the works, in the other. The clause you will find provides that the charge shall affect the property at the date when the improvement is completed or the award made, whichever shall last happen. If the award is made before the improvement is completed, the charge comes into effect when the improvement is completed, and there it seems to me that the words "will be" are appropriate. If, however, the award is made after the improvement is completed, then it seems to me that the words "has been" are the proper ones. But I do not in either case see that it is speculative. I think that the valuation which you make for the purpose of ascertaining the increase of value is the present value of the land, which will of course depend to a very large extent on possibilities in some cases.

Marquess of *Salisbury*.

1046. If you mean by the present value the market value, I do not think that can be contested, can it?—That is what I mean.

Chairman.

1047. Of course, in speaking of the market value, all the circumstances which would lend it a value either present or future, would be in the mind of the arbitrator, would they not?—Quite so.

1048. But the fact of what it would fetch in the market is the present value, is not it?—That is the way I read it, and that is the way in which I think it ought fairly to be read.

Marquess of *Salisbury*.

1049. Then the clause sins a little in undue brevity. If it had been expanded in your words it would not have raised the alarm it has raised, would it?—I have washed my hands of the actual verbiage of the clause, not because I think it is defective, but because I do not want to pronounce an opinion upon it. It is a very long clause and has been carefully drawn up, I think, with the object of expressing what I say, but whether it does or does not, I would not venture to say, especially in this company.

Chairman.

1050. As I understand your suggestion, although the valuation should be postponed until the actual improvement work has been executed, you do not suggest that the valuation shall be postponed to test by experience the opinion of an arbitrator given at the time of the award made as to whether or not the property in the neighbourhood will be increased in value or not, do you?—I did not quite follow your Lordship's question, I am afraid.

1051. You assume that as soon as the actual works are executed the increased charge may be made, do you not?—Yes.

1052. The

Chairman—continued.

1052. The rate on an increased value?—Yes.

1053. Although what will be the result, or what the arbitrator will assume as carefully as he can take it into consideration, may not in fact turn out to be as he has anticipated it?—I look upon it in this way. I should like to keep the incidence of the charge as nearly as possible contemporaneous with the estimate of the charge, because it appears to me that that is fair.

1054. Has it been, in your experience or not (I think I have heard it given in evidence myself, and I want to know whether your experience coincides with mine), that for three or four years after a new street is made, sometimes there is a drop in value?—I should not have thought so, and I certainly have had no experience to that effect.

1055. Are you familiar with the circumstances of Victoria-street?—Victoria-street, I think, was a very exceptional case. I can imagine this, and I think this does occur, that persons anticipating a large increase in value speculatively purchase land of that kind, and very often by over-speculating there comes a glut of land which they are obliged to realise on account of their difficulties. I do not think that when you make a street of that kind the market value of the land can drop for a time, though I do think that very often the enterprise of utilising it may languish for a time, because people want to take full advantage of the new site, and are not prepared to do so at the moment, and have to hold perhaps for an opportunity of finding the money necessary adequately to develop it. But I do not think that when a new street is made the actual value in the market between a willing buyer and a willing seller goes down even for the first two or three years.

1056. I suppose the efforts at what has been called recoupment (not inviting your attention to recoupment as separate head now, but for the purpose of testing your last answer), where you have municipal bodies buying in the immediate neighbourhood of a new improvement on the theory that great additional value will be realised, they are not persons who are compelled to sell immediately for their necessities in the way you have suggested, and according to the view which you have expressed, are they; I do not see why the recoupment scheme should not have succeeded instead of failed, as it almost universally has under those circumstances?—I think the fatal blot in recoupment is that you have so often to apply it to localities where trades are carried on, and, of course, when trades are disturbed you have trade claims which represent, so far as the public body is concerned, dead loss. Recoupment will succeed where you go through a property which is not utilised for habitation, or is utilised only for a very unremunerative kind of occupation, but it fails whenever you apply it to an area which is densely populated, especially if it is densely populated with persons carrying on trade.

1057. That is a different head of inquiry. I shall ask you presently whether if in your view a public body purchasing for the purpose of improvement were permitted to allow the things to remain as they were, in your judgment that would be one mode of getting the additional value created by the works preferable to or inferior to the principle of betterment. But that is a separate thing?—Yes. I think the estimate in all cases is an estimate of actual value, but an estimate which will be very largely affected (as it must necessarily be in anything that exists permanently) by possibilities in the near future, or in a future so near that reasonable men take it into their consideration.

Marquess of *Salisbury.*

1058. You do not contemplate that the arbitrator or valuer should have any other future value in his mind than such as will be present to the mind of a reasonable purchaser, do you?—No, because I do not think anything else would affect the market value.

Chairman.

1059. Although the future is necessarily within his view, your view of the just course to be pursued, I understand, no matter whether this machinery carries it out or not, would be that it should openly be on the hypothesis of the actual market value at the time of the award made?—Yes. If I may say so I do not think that there are two values to a property. I think that those future possibilities which a reasonable man would either not value at all or value only at a very small amount, either do not come into the price or value of an article, or only come into that small amount.

1060. I was anxious if you could tell us what your view was. When I asked you about the area within which the betterment should be included, you said you were desirous of keeping it as a matter of fact, and you explained what you meant by "as a matter of fact;" but your answer now goes a little further, because your matter of fact seems to be a question involving the opinion of surveyors, does it not?—I think, theoretically, that it might lead to a great difficulty if it were not for the words which the Committee have required to be inserted in the clause, which limits the application of betterment to properties in which there is a substantial and permanent increase in value derived from the improvement. I think, therefore, that doubtful cases are intended to be excluded from the operation of the clause, and I think that is wise. I think that the attempt to include doubtful cases would be productive of much more trouble and much more loss than would be warranted by the advantage to the community, and if you give a fair meaning to those words "substantial and permanent increase in value," I do not think it will be very difficult to draw the line, to decide which properties come within it.

Marquess of *Salisbury.*

1061. The little slip which you made really exposes the difficulty. You said, "To draw a line;" the difficulty is that they draw the line first and lay down the principle afterwards?—The portion of the clause which relates to that I do not consider to be at all necessary or even advisable

Marquess of *Salisbury*—continued.

in a model clause. I do not think that the line of deviation has anything to do with it. I think that the right way is to take a line marking out an area which fairly includes all those to which betterment would apply, and then either to schedule at the time or to schedule at some later date, those properties with regard to which the municipal body is going to put into force the principle of betterment.

1062. But what formula would you propose for the drawing of that line?—It has to be done in every case by the persons responsible for the Bill, and if the Committee think it is wrong they ought to alter it. It is quite understood that all the properties within the line will not necessarily be benefited.

Chairman.

1063. It is rather a line of exclusion?—It is rather a line of exclusion.

1064. But still one would like to know whether in your view it would be just to allow the owner of a particular property who might be within the line, to claim to be outside the line?—He need not claim to be outside the line; he may say, "I am not benefited," and he may say so before the arbitrator.

1065. But forgive me, you and I have both had some experience that people are not very anxious to go before an arbitrator?—May I take the case that your Lordship gives. I will suppose that the line of exclusion has been drawn and that a person is inside it, it does not at all follow that it will be claimed that his property is benefited.

1066 But it may be claimed, and he may say, "But there is no possibility of it." We have had an example before the Committee here where the line was drawn admittedly in such a way that it included property which nobody ever imagined could be improved. You do not know and cannot answer for what a valuer may do. Of course one is desirous of supposing they will do their duty, but one has known of an extravagant award before now, and a man may say "I do not want to be exposed to the fancy of an arbitrator or valuer, I want to be outside the line altogether; can any reasonable person suggest I should be within it?" Would you allow him an opportunity of appearing and saying so?—He certainly could be heard before the Committee. If he came to me for advice I think I should tell him that since he is protected by the words "clearly shown to have received a substantial and permanent increase in value" it would be unwise to spend so much on the chance.

1067. That does remit him to the arbitrator, does it not?—It does remit him to the arbitrator, but if it is a case in which he says there is no improvement at all, I should say, "There is the probability that the arbitrator will not take your property as one of those within your jurisdiction for that reason, and it is better to wait till then than to meet the certain expense of going before the Committee." Of course, there are always difficulties of this kind, but I think the language of the clause is clearly designed to minimise the number of cases in which that would be really a hardship.

Chairman—continued.

1068. Then there is one other question: what is your view of the possibility of putting right any error which has been made, and the increased value has not been realised. Do you think in that case there ought to be a charge for all time, or that there should be some mode of setting it right?—I look upon it as an estimate of the increase of value at that particular moment, and I think that the person who has property which at this particular moment is improved 1,000*l.* is improved 1,000*l.* He might be wise to hold on, and it might improve 10,000*l.*; it might be wise to sell that property because its value is not going up, but I think that that which is subsequent to the imposition of the charge both for good or for evil has nothing to do with betterment at all. I look upon it as an assessment of the then improvement, and whether or not it is wise to hold at that market value or to sell at that market value appears to me not to concern the question with which the principle of betterment has to deal.

Marquess of *Salisbury.*

1069. Would it not, then, be fair to allow the victim to claim that the award and the benefit given to him should be delayed for such a period as would enable the valuer to judge by fact instead of by hypothesis?—The question of when the award is made is a question, no doubt, worthy of the very greatest consideration. I think if the award is made about the time that the improvement is completed it would be late enough, but I consider that whenever the award is made, if you fairly take the present value it is not unjust.

1070. But as far as the interests of the owners are concerned, it is a difference between taxing him by theory and taxing him by practice, is it not?—If I may respectfully say so, I do not think it is, if you take the then improvement.

1071. That implies that he means to sell, does it not?—I do not think we have got to trouble whether it is wise for him to sell or wise for him to hold; it may be wiser for him to hold, but the value which is assessed considers all the difficulties of selling, as well as all the difficulties of holding. The valuer of property must do that, and, in my opinion, so long as you really assess the then improvement (and we must remember we do not require the whole of that from him), it is not unjust at whatever time the assessment is made, provided the improvement charge does not come on till then, and comes on then.

1072. But it can only be made just, from his point of view, by his selling at once, and is it just, apart from all market questions, to require a man who may be an old man or a sick man who has lived in the house a great number of years in order that you may settle your award at a convenient moment, to sell his house, which, under other circumstances, he would not think of selling?—I think it is equally just, whether we suppose he is selling or not. His property is so much improved.

1073. But suppose his conviction is, that it is so much deteriorated?—In the case of the Lands Clauses Consolidation Acts where we purchase, the

Marquess of *Salisbury*—continued.

the opinion of the claimant is rarely the same as that of the jury or arbitrator.

Chairman.

1074. I am not certain you are not confusing his claim with his opinion?—I think that is very probable in many cases. But if the property is improved to that extent, I do not think you have to hypothesize selling to make it just. If he wants to realise it and to have it in money instead of land, he can do so, but I do not think it makes it more or less just whether we suppose he sells or not, provided that his property has been in fact improved by that amount, and I think that when you consider the margin which all persons propose to leave, it would be very unlikely if carefully applied to work injustice. What portion would your Lordship like me to turn to now.

1075. I would rather you were guided by your own judgment?—I did not know whether I had omitted to deal with anything your Lordship has referred to.

Lord *Thring.*

1076. I should like to ask one question on the principle before you come to the frame of the clause. I understand from an observation you made that you would not consider it unjust, supposing I disagree with the promoters as to the value of my house, that a condition should be imposed upon them to buy it. For example, supposing they say that for the purposes of betterment my house is improved to the extent of 1,000*l.*, and I say it is not, can I say, "Very well, if you think it is improved to the extent of 1,000*l.* take it at that improved price"?—No, I certainly should not introduce a principle of that kind. I think it is fair without it.

1077. Do you think it would be unfair to impose that condition. Why I ask the question is this, because I think you said that it was just that a man should have the power of converting the property into money?—No, I did not say that. I said that it was just, whether or not he converted it into money, because the property was increased to that extent in value. I do not think it is right that he should have the power to require the public body to take the land.

1078. But supposing I have no money. I am living in my house and I cannot pay the additional sum, would it not be just to say, "Well, if you think it is worth so much, take it"?—I do not think it would, for this reason, I do not think it is at all an advantage that municipalities should buy land for the purpose of selling, or that it is an advantage to them to have to buy any more land than they can help, even for the purpose of holding, unless it is for some special public purpose, and I think that we guard the proprietor sufficiently by the fair means of assessing the improvement and the margin which we leave in his hand.

1079. I agree with you that it is not advisable a municipality should buy, but I wanted to know whether it would not be just for a man (to use a common phrase), if he is improved out of his estate, to require the municipality, in that case,

Lord *Thring*—continued.

to buy, and you say no?—Yes, I would protect him by means of the care with which the increased value was assessed, and the margin that I left in his possession.

1080. But how would he pay it if he had no money?—It is provided that he may either pay it, and free his land, or it may be a rent-charge on his land.

1081. Then do you not think it unjust to put a rent upon a man although he would have to borrow to pay that rent?—We must suppose that a man uses property in the way in which it brings the best return to him, or that he sells it. Of course if a person keeps as a cottage property worth 100,000*l.*, it is perfectly true that the charge to be put upon the property worth 100,000*l.*, if it was largely benefited, would be a tremendously crushing charge on the cottage; but that is because he is not putting it to its ordinary commercial use. If you suppose that he is in any form taking the full value of his property, that will more than enable him to meet this charge. Of course I have known a case in which property worth 100,000*l.* was used for a small cottage and a pig-sty, thanks to difficulties of title; but I do not think we can frame a general clause for dealing with a question of lands purchased by the public on exceptional cases; you must take it broadly.

1082. You do not think that is a necessary safeguard, do you?—No; I would take the safeguard in the other shape.

Chairman.

1083. Will you go on to deal with the clause now?—Yes, my Lord. With regard to the clause, I may say that I thoroughly approve of its general structure in this way. I think that the framers have taken the right form in making the first step analogous to an assessment. It provides that the body that is interested on behalf of the public, in lightening, as far as is fair, the cost of the improvement, should assess this benefit, and I think it is most important that that first step should be done by that body, and not done, if I might say so, litigiously, because I think if a body fairly carries that out, the number of disputed cases ought not to be large when the public are accustomed to the application of this principle, and that if it is not done too harshly, but it is done fairly, the great bulk of these cases will lead to no disputes at all. But it is quite evident that you cannot give to the decision of the public body any higher status than an assessment, because it is fixing figures in which they are interested, just in the same way as they are interested in fixing the assessment of property, because the higher the assessment the higher the rates. Therefore there must be a mode of settling it ultimately, which must be by an arbitrator, and I think by doing it in those two stages the owner of property is sufficiently safeguarded. The matter before both those authorities, both the assessing authority and the award authority, is the same, it is the actual increase of value.

1084. In your view, would all the persons included within the area be entitled to appeal to the arbitrator?—I suppose the assessment would

Chairman—continued.

only include a certain portion of the properties within the area.

1085. Are you speaking of those properties which would be assessed. In your view would all persons whose property was affected be entitled to appear before the arbitrator and argue it?—Certainly.

1086. Do you think that would be just?—Yes, I think so, decidedly.

1087. Then there would be a whole army of witnesses and counsel, I suppose?—I do not think there would be if the assessment was fairly carried out. Of course you must assume that in testing it.

1088. Take the decision of the Committee which threw out the Strand Improvement Bill. I think they came to the conclusion that one side of the Strand, to a certain extent, would be improved, did they not?—Yes.

1089. Now applying that case to the machinery of this Bill, everybody, I suppose, would be entitled to appear, would they not?—They would be entitled to appear if they disputed the assessment, but just in the same way everybody in London is entitled to appear and dispute his assessment at the quinquennial valuation. But if it is fairly done, only a very small proportion do so.

1090. I rather think that the returns of the appeals, and the decision of them, is the subject of considerable difficulty just at present, is it not?—That is so, but it is rather because of the length of the dispute, when it does take place, than the numbers.

1091. I want to know your view as to the appearances of persons, say No. 300, or 301, and all down to 400, would they be all entitled to appear, according to your view?—Yes, they would be entitled to appear. I think the arbitrator ought to have command over costs, and if the assessment was a fair one, and the dispute was not a reasonable one, then he would be able to make them bear the costs of it, and I think the result would be, if it was fairly and not too aggressively done, that there would be very few appeals to the arbitrator.

1092. Valuation disputes are rather expensive, are they not?—Of course valuation disputes are, when you are coming to a question of rating large properties of a complicated nature.

Marquess of *Salisbury.*

1093. The valuation of the same area in a number of small properties would be almost dearer, would it not, than if it was a valuation of the area of the large property?—Certainly, but I thought his Lordship referred to valuation disputes, as a class. They are very expensive when you go to large properties, but as to a small property it would not, I think, be an expensive matter.

Chairman.

1094. I think you have had considerable experience in the matter where valuations are disputed, have you not, and that a great number of very experienced gentlemen appear on each side, take different views, and are cross-examined

Chairman—continued.

at considerable length by counsel, sometimes, and the valuation dispute lasts a long time; is not that so?—If I might say so, that is especially the case on the claimant's side where no offer has been made and the costs must necessarily be paid by the public body. I think these disputes would, as a matter of practice, be not so formidable as people fear if the assessment was carried out judiciously; but I quite agree it might be carried out in such a way as to bring forward a great number of disputes. It would, however, be exceedingly unprofitable on the part of a public body to do that, because the arbitrator would visit them in costs.

1095. I do not quite see how it would be the public body. If I understand the machinery of this clause it is to be entirely left to the arbitrator; the public body is to say to the arbitrator, "please to fix those persons who ought to pay the Improvement Rate." Although the area of exclusion, as it has been described, excludes some property, that which is to be selected for the Betterment Rate, as I understand, is left to the arbitrator, is it not?—No, my Lord. As I understand it, the assessment is entirely done by the public body.

1096. The assessment is one thing. How much is to be raised, as one of the witnesses said? I am not now speaking of that which is put before the Committee, but the actual area which is in fact to be assessed, is not to be afterwards selected by the public body, is it?—Yes; not only that, but the very properties. I understand it in this way: first of all the public body marks out the line of exclusion, as it has been called, then within that line they consider what properties are bettered, and they make an assessment of such properties as are bettered.

1097. I have not the clause before me; will you kindly read it?—It begins with Sub-section 2, page 16, of the Manchester Bill.

Marquess of *Salisbury.*

1098. May I hand you the Tower Bridge Clause?—It is Sub-section 3, Clause 37 of that Bill.

Chairman.

1099. Which Bill are you speaking of now?—The Tower Bridge Bill, as amended. The clause is, "The Council shall as soon as conveniently may be, but not later than seven years after the passing of this Act, cause to be framed an assessment describing the lands situated within the said limits, and described in the said valuation which the Council allege ought to bear and pay the said improvement charges, and the Council shall, in such assessment, state and specify, first the names of the owners, lessees, and occupiers of the land described in the said assessment respectively, so far as they can have been ascertained; secondly, the apportioned amounts by way of charge which the Council allege ought to be charged upon such land respectively, and the assessment shall contain a statement of the amount which the Council allege

Chairman—continued.

allege shall be the enhanced value derived, or to be derived from the lands respectively from the improvement." I stop there because I think that that establishes what I say, and what I think is essential to the economical and fair working of this clause, namely, that the first stage should be of the nature of an assessment. And if that assessment is a fair one I should hope it will be acceded to.

Lord *Lingen.*

1100. That would be an assessment on a special valuation by the valuer, would it?—If you will allow me, I will deal with the question of the special valuation by the valuer which has been added in Committee separately.

Marquess of *Salisbury.*

1101. What is the meaning of Sub-section 4. I thought the Council already had provided an assessment, but having provided it, it says the assessment shall be submitted to, and considered by, the Council?—In my opinion that is a Sub-section which ought to be rather a Standing Order of the Council than anything else, because it is either the Act of the London County Council or it is not.

Chairman.

1102. Any time before the matter is brought before the arbitrator they might change their own plan, I suppose, without Clause No. 4 at all, might they not?—Yes, certainly.

1103. I will tell you what was in my mind; I see now what you mean, but it looked to me as if the function of the arbitrator was confined to assessing the value, and calling it an assessment?—Yes.

1104. But it has two functions, if I understand rightly now; it is, not only that he may assess the value of the improvement rate to be placed upon it, but he may exclude from the additional rate altogether any property which he thinks not included?—Yes, but before that the Council may exclude it by its assessment. The first step is an assessment which is not litigious, a question on which no one has a right to be heard.

1105. Those are the private deliberations of the Council; that one can understand?—Yes. When that is published a man may say to the arbitrator, my land ought not to come in at all and the arbitrator may exclude it. The arbitrator is the independent person who where the assessment is disputed corrects it in everything.

Lord *Lingen.*

1106. I should like to ask one question, so that I may be sure on what ground we are proceeding. As far as I understand, there will be three steps; first, the valuation; next, the assessment by the Council, and lastly, the action of the arbitrator, but objections may be served upon the Council between their assessment and between the appointment of the arbitrator. Will that be the line of proceeding?—It will, and if I mistake not, the Council has power to alter its assessment if those objections appear to be reasonable.

Lord *Lingen*—continued.

1107. They are not bound by the valuation?—No, I wanted to speak about that valuation, because I do not think that that valuation has any necessary function in the principle of betterment; it is only what the committee deem to be a valuable piece of machinery. I do not really think it is so much a valuation as a record to ensure that there is a careful record turned into money, as prescribed, of what was there, and what was the condition before the improvement was made. It is for the purpose, as it were, of preserving a record.

Chairman.

1108. That is not quite what my Lord Lingen was upon at that moment, I think. It is the course of procedure. You have spoken of what I have described as the private deliberation of the Council?—Yes.

1109. But besides that, there is what may be litigious in this sense, a person being heard before the Council; they may on his application exclude him from what they intend to submit to the arbitrator, is not that so?—I do not think that that is specifically provided for, but I think the Council have kept powers to vary their assessment.

Lord *Egerton.*

1110. In the Manchester Bill the town clerk yesterday pointed out on page 20, Sub-section 12, that "the Corporation may from time to time," and he gave this interpretation of it: "Before the appointment of arbitrator"?—That is what I was thinking of.

1111. I understood that to be the interpretation put upon it?—Yes.

Chairman.

1112. That is not quite applicable here, is it, because Sub-section 7 obviously points to the fact of objections being made and being entertained by the Council before they get to the arbitrator at all?—Yes; and that is what is specifically carried out in Sub-section 12.

1113. To put the matter plainly, that involves a hearing, at all events, by a semi-litigious proceeding before you get to the actual litigious proceeding?—I do not think it goes so far as that. It goes no farther than that the Council reserve to themselves the right of amending the assessment if a reasonable objection is sent in. I do not think anybody could claim under that to have any hearing. The Council has a right to stand on whatever assessment it chooses, only I should hope that that right would be used in order to stand on an assessment which was as little contested as possible.

1114. What I wanted to ask you upon that is this: You know this is to be published according to the plan for the express purpose of inviting objection, is it not?—Yes.

1115. Then suppose the Council to have yielded that A., B., C., and D. ought to be excluded in pursuance to their objections, then E., F., G., and H., and so on might complain, and say, "Now you have narrowed the circle of rating, and that is unjust to us"?—That is a point to which I want to call your Lordship's attention. It

Chairman—continued.

is no more unjust to E., F., G., and H. (although I believe they would have the power of objecting to it under the clause) than it is to a person living in South Kensington. This clause has avoided what I cannot help thinking was a most erroneous principle in the Cromwell-road Clause. The Cromwell-road Clause threw a certain fraction of the cost of improvement on the properties bettered, and therefore letting one man out increased the burden to his neighbour. Letting a man out injudiciously here increase the burden on the general public, but excepting as a member of the general public it is not unfair to anybody. The inclusion of a man is a benefit to the general public, but this clause does not make a man's burden heavier because his neighbour has not been included, excepting that all the rates are proportionally lighter. I think it is exceedingly important to bear that in mind, because the principle of throwing a certain portion on to the properties appears to me to be a vicious one. I think that we ought to consider what the actual increase of value to the properties is, and that ought to be the only issue we should consider.

Lord *Lingen.*

1116. Then do you take each man included within the area singly?—Yes, and of course with a great number of them it will be "no improvement," that is to say no substantial and permanent increase of value. I think it would be very unlikely that all throughout an area you would be able to establish that there was a substantial and permanent increase on every property. With regard, therefore, to the clause, I think that it is very valuable to have first an assessment which can be amended so as to get the final assessment on which the Council stands, a thing which they are responsible for, and then only to bring in the litigious principle in cases where that is not approved of by the persons who are to be burdened.

1117. On page 29, Sub-section 12 of the London Bill, the assessment there is not after the action of the arbitrators, although it comes after the mention of the arbitrator, but goes back to the assessment at the top of page 26, do you see that?—Yes.

1118. Do you see the words "The Council may from time to time"?—Yes.

1119. That assessment is the action of the Council, is it not, and before the arbitrator is introduced?—It is.

1120. Although, as a matter of drawing, it comes in after the clauses relating to the arbitrator?—That is so.

Lord *Egerton.*

1121. It is the same thing to which I called attention in the Manchester Bill?—Yes.

Chairman.

1122. No doubt the position of it leads to a misapprehension?—It does.

Lord *Hobhouse.*

1123. In order to make it clear let me ask you this question: You were speaking of the Cromwell Road principle, and of this principle, were you not?—Yes.

1124. I do not want to discuss the drafting of the Bill now, but it appears to me the Bill marks a transition from one principle to the other. Is the first assessment by the Council to be an assessment of each particular property, or is it to be an assessment *en bloc*, and apportioned afterwards?—In my mind it ought to be an assessment of each property.

1125. So that each owner may fight his battle with the Council and before the arbitrator, independent of all the others, is that it?—Yes.

1126. The language lends itself to a different construction sometimes, I am afraid, does it not?—I feel sure that is what is intended by the Bill, and that is what I am here to support. In fact, I think I may claim to have contributed one thing to this matter under my examination last year before the Committee of the House of Commons. I was examined on the clause which then stood as "award," and I pointed out that it is not an "award," but that it is a list drawn up by an interested party, saying what that party is going to claim, and it ought to be called an "assessment," and not an "award." I think that that is exactly its function; it is neither higher nor lower than an assessment.

1127. It is the opening of proceedings, the making of the first claim, is it not?—Yes.

1128. And then each party interested goes on?—Yes; I may say I did not alter the clause by that, but it being called an award people thought it very unjust that one of the interested parties should make an award; when they adopted the word "assessment" I think that met it.

Lord *Lingen.*

1129. On page 27, line 7, where the objections against the assessment may be stated by any owner or occupier, it does not say exactly, does it, what the Council is to do upon this, or in what manner it is to hear them before the arbitrator comes on the scene?—My view is that there is not necessarily a hearing at all. It is like saying what is going to be disputed. If the Council is wise and there is any reason in the dispute, they will meet the disputants and say, "We will settle it in this or that way." And that power of amending seems to me to enable the Council to take notice of these objections and improve its assessment before they go to the arbitrator. It does not raise it higher than assessment.

1130. Ought not Sub-section 12 to come in somewhere in connection with Sub-section 7?—I think I should have put it immediately after Sub-section 7.

1131. Because at present, except sending in a written notice, the Council are not required even to acknowledge it, are they; they may proceed at once to appoint an arbitrator?—I think if it were put immediately after Sub-section 7 it would make people follow what the machinery of the Act is much better than it does

Lord *Lingen*—continued.

does in its present form. I do not know that I can assist your Lordships in any other way, but I shall be happy to answer any questions.

Lord *Belper.*

1132. I should like to ask you one question about recoupment; have you gone into that at all, and the effect of cases where recoupment has been already tried?—I went into it at the time that I was counsel in the Strand Bill of the London County Council, and I came to the conclusion which I have already expressed, that recoupment is almost always a loss and increases the cost, unless you are going through comparatively unoccupied property or property which is only occupied for habitation and not for the purposes of trade.

1133. May I ask you whether I am right in supposing that if a local authority make use of recoupment and purchases property for that purpose, they cannot leave standing the buildings which they purchase but must pull them down?—They can leave them standing.

1133.* Then why has the necessity for buying up the trade interests always been mentioned. What necessity is there for buying up the trade interest if you may leave the building standing, and they may be continued to be carried on for the purposes of trade?—You almost always, or very frequently, want to change the user of such property.

1134. That may be the case, but I should like to know under what limits can the power of recoupment be exercised. Could the local authority buy any neighbouring property without limit, or what are the exact limits under which it can be exercised?—That is always settled by the Bill. The promoters of the Bill ask for power to take lands marked on the map under compulsory powers. I do not suppose that any public body has a right to buy land merely as a speculation, unless it has received power under an Act.

1134*. I quite understand that it is limited by a Bill, but what I want to know is, what is the practice of Parliament with regard to it as far as you know. Would your Bill pass the Standing Orders if you put power into it to take a large quantity of land which obviously would not be required for the improvement itself, but which it might be desirable to take for the purpose of recouping the Local Authority for their outlay?—It would pass the Standing Orders, but you might have a great difficulty with the Committee.

1135. There is nothing in principle, is there, against its being done?—No.

1136. And you would have to make out your case before the Committee, would you not?—Yes.

1137. Then I suppose, with regard to recoupment itself, if a local authority bought a certain amount of land which they thought sufficient to recoup them for the expense of improvement, supposing their estimates were right as to the increased value which would be given to that property by the improvement which they were carrying out, they would practically get the whole of that increased value for themselves, and therefore would be able to put that surplus towards the expense of carrying out the improvement, would they not?—As a matter of fact that is almost impossible in the case of a public body. First of all I do not think you would be allowed to buy remote interests in property, and allow the existing interests to run on to any great extent, and I think that wherever you have got to purchase you always purchase at a great disadvantage. The prices generally given are very liberal, and, as a matter of fact, you are a very bad body for managing land; and I think the consequence generally is, that you make a very bad speculation in regard to it. I admit I do not want them to have to purchase land.

Lord *Belper*—continued.

Chairman.

1138. I think it has always been limited hitherto to the power of construction and reconstruction, and not for holding, has it not?—That is a matter, if I might say so, mostly governed by the practice of the Committee. I have been a good deal before committees, of course, but I am not at all an authority as to the practice which governs the Committees of the two Houses in permitting land not needed to be taken. There are many who have had very much more experience before Committees than I have.

Lord *Belper.*

1139. I understood from your answer that from your experience it is not limited in the way mentioned?—It is not limited in the Bill; it is limited probably by the Committee which passes the Bill.

Chairman.

1140. I do not think there is any example of a public body being allowed to hold, except for the purpose of destruction and reconstruction, property connected with the improvement itself??—I do not remember anything else.

Lord *Belper.*

1141. Supposing you had the power of purchasing more largely, and holding for the purpose of recouping yourself, clearly in that case the local authority would get the whole of the increased value, and not half the increase, as they propose to get under the betterment, would they not?—I would very much sooner they should have half the increase (assuming it is fairly estimated, and not over estimated), and not handle the lands, than the whole increase, and handle them, because they cannot help doing it badly.

1142. There might be another reason, might there not, that the difference between the two processes would be, that under a system of recoupment an increased value would not be got until it was actually realised; I mean if you bought you would not get it back until you had absolutely sold again. That would be the case, would it not?—Well, you would not turn it into money.

1143. You would not get the money into your pocket until you had actually realised by a re-sale of the land?—No.

1144. But in the case of betterment, the question of realising or not is thrown on the owner of the property, is it not?—Yes.

 1145. And

Lord *Belper*—continued.

1145. And the authority gets the money whether the owner of the property realises it, or whether he does not?—Not whether the owner of the property gets it or not, but whether he realises it or not.

1146. That is what I mean. Therefore the uncertainty as to realising is thrown on the owner of the property and is taken off the shoulders of the local authority, is it not?—In one sense I assent to that, but as to your Lordship's observation, "uncertainty of realising," I think all uncertainty goes into a question of value, so that I think the value has discounted all questions of uncertainty of realisation.

1147. I rather understood that you wish to eliminate all that uncertainty as far as possible?—I want to take the fair value, which takes possibilities, which are not actualities.

1148. But there must be some uncertainty about realising anything, whatever it is, must there not?—Quite so.

1149. It is not quite the same thing as having something in your pocket, is it?—The consequence is that the value for sale is not always the value for use; and that ought to be considered.

Lord *Belper*—continued.

1150. May I take it that your two reasons for preferring betterment to a more enlarged system of recoupment would be, first, that you do not think it desirable that public authorities should hold land for the purposes of speculation; and, secondly, that you wish them to be relieved of any uncertainty there might be?—Yes; they are relieved I think, and with the relief there comes a diminished price. There is one more point, which is an exceedingly difficult one, upon which I should like to give my opinion, that is, as to the question of worsement. I do not know whether your Lordships have been into that at all.

Chairman.

1151. We should like to hear your opinion upon it very much?—It is a very difficult question, and I do not want to shirk it; but would your Lordships allow me to deal with it at another time.

1152. Very well, we will adjourn now, and probably you will give us the benefit of your opinion upon it hereafter.

Witness.] If your Lordships will allow me to do so, I shall be glad.

The Witness is directed to withdraw.

MR. CHARLES HARRISON, is called in; and, having been sworn, is Examined as follows:

Chairman.

1153. YOU are so familiar with this question that I shall ask you to guide the course of your evidence, if you will be good enough to do so?—If your Lordship pleases. Perhaps I had better state the positions I occupy. I am the Vice-Chairman of the London County Council, I have been Chairman of the Parliamentary Committee of that Council since 1889, and I am so still; I represent South-West Bethnal Green on the Council. My attention, I should mention, has been specially directed to this question of the purchase of properties for improvements by, first of all, the Report of the Royal Commission on the Housing of the Working Classes, which was issued in 1884. There was a passage in that Report on the subject of betterment to which I will refer. That Report reviewed the question of compensation, and pointed out that the amount paid for compensation was excessive in the case of public authorities purchasing for the purpose of improvements; and it added: "This leads to the consideration of a most important question connected with compensation and the incidence of rating; the principle which is known by the name of betterment. It is the principle that rates should be levied in a higher measure upon the property which derives a distinct and direct advantage from an improvement, instead of upon the community generally, who have only the advantage of the general amelioration in the health of the district. American legislation has adopted the principle that where public improvements are effected by the local authority they ought to be able to bring in aid of the cost of the improvement any additional value conferred on the

Chairman—continued.

adjoining property by reason of the improvement. Evidence on this point was given by Mr. Shaw Lefevre, Mr. Forwood, and Mr. Meyer, the editor of the 'Sanitary Engineer' of New York. In this country the principle has been to a small extent adopted in the Acts of 1879 and of 1882. The former provides that an arbitrator is to take into account, in estimating the amount of compensation to be given to an owner, any additional value given to the adjoining property of the same owner by reason of the destruction of his house which is in bad condition. This, to some extent, incorporates the principle, but only as regards the same owner. Then, in a clause of the Act of 1882, a provision was introduced that where an obstructive building is taken for the purpose of improving the adjacent property the improvements given to that property may be charge dupon it in the shape of a rate-in-aid. The advocates of betterment think that in every case an adjoining property, if it can be shown to be improved, should pay more than the general rate of the town towards the improvement scheme."

1154. Can you tell me what is the Act referred to there which is spoken of as the Act of 1882?—That was an amending Act of the Housing of the Working Classes Act of 1882. The Acts were of 1879, amended in 1882, and since then consolidated into the Act of 1890. "It would not, of course, be conceded that every improvement had increased the value of neighbouring property. Supposing, for instance, a *cul-de-sac* were thrown open for the sake of making a thoroughfare from one part of a town to another, although *culs-de-sac* are very objectionable in poor neighbourhoods, yet for high-class residences they are much sought after

Chairman—continued.

after for the sake of the quiet that comes from the absence of traffic; an owner of such residential property might urge that it had deteriorated in consequence. Or, again, the opening up of a great main street might divert traffic, and consequently trade, from other streets left on one side; and here, too, it might be urged that injury had been done to shop property. It would be necessary in any case to widen the scope of the local inquiry which is now undertaken by the Home Office or the Local Government Board in the case of improvement schemes. The inspector would have to examine the proposal by the local authority to levy a special tax either within a certain radius over a sub-area or upon certain properties which they allege would be greatly benefited by the improvement. There are great practical difficulties in working out the idea, and it has been suggested that local opposition to improvement schemes might be increased by the adoption of the principle." That Report was signed by the Royal Commissioners and there was a supplementary memorandum added by some of the Commissioners, who signed that Report, amongst others, by Mr. Broadhurst, and other Members who supported the principle, and one by Mr. Jesse Collings, who said in his memorandum, on page 123 of the edition before your Lordships, "The principle of betterment, which is recognised in the Artizans' Dwellings Acts, 1879-82, in cases where property belonging to the same owner is benefited, should be extended. The owners of adjacent property who have been directly benefited by any public improvement should be called upon to pay such an extra rate as would constitute a fair share of the cost of such improvement. Mr. Forwood, who has had experience of the working of this law in America, speaks of it in his evidence as 'an admirable and very fair arrangement.'" It was in consequence of that Report and the evidence given before the Commission, that my attention was more particularly addressed to this question of betterment in relation to public improvements by local authorities. A reference to the American authorities on this principle of betterment induced me at the time to consult the various text and other books of American law on the subject, as also the old Statutes and precedents which existed in England. Those materials convinced me that the principle was a just one to apply; finding as I did from inquiry that the old system of recoupment as carried out in the metropolis had been an unsatisfactory one, and one tending to loss. Betterment I would venture to describe as being a principle which involves the proposition that those who reap the benefit of a public work ought to bear the burden of it, and that where the benefit is discriminating, the burden, to be equal, should be discriminating also. The equity on which that principle is evolved, is, as has been summed up in the judicial decisions of the American Courts, founded on a maxim of law, that he who feels the benefit ought to feel the burden also, and is, as decided by the American courts and judges in their language, "perfectly consistent with the interests and dictates of science and of religion." The

Chairman—continued.

equitable consideration rests on these elements, that the sphere of benefit ought to be the sphere of burden, and that, just as it would be wrong to tax individuals alone for improvements from which all alike benefit, so it is equally wrong to tax all alike for improvements from which particular individuals receive the lion's share of advantage." Those principles were established by the American courts. They so laid these down, and when those principles come to be examined they will bear the true test. The courts said that "assessment for benefits and for enhanced values is an assessment for the purpose of intercepting that enhanced or added value, added by reason of the public outlay, and that it is not taxation." The question was raised in early days in the American courts, because the constitution of the State, which, of course, is unalterable by any individual State of the United States, had these words in it: "All duties, imposts, and excise shall be uniform throughout the United States." Upon those words the question was raised that it was beyond the power of introducing into any individual state constitutions, enactments asserting the principle of betterment, because it would thereby not be a uniform impost and excise, for those who reap the largest benefits would have to pay the greater sum, and the American Courts held upon that construction that the betterment was not a taxation, impost, or excise, and was not an infringement of the United States Constitution as to uniformity of taxation, since it was founded on the principle of equity that those who derived additional and exceptional increase in values to their properties from public outlay ought to pay up or yield over a certain portion of that enhanced value to the public authority or state that had created that additional value. The great authority, Mr. Dillon, whose book I have here, says that betterment is not an impost. He says, "Betterment is now as firmly established as any other doctrine of American law. It is not so much a tax as a mere consideration for value received," and he quotes various decisions, as early as 1813, in support of that proposition. Amongst others he instanced a law in one State that no real estate belonging to any church should be taxed by any law of this State. Yet it was held in the courts that a betterment assessment on a church was not taxation, but that it was merely assessment or mode of reaping the benefit which was added to the property by the public outlay. The distinction which has always been kept in view with reference to this doctrine is that the benefits, whatever they may be, which arise from the carrying out of any public work at public expense produce different classes of benefits, such as private benefits and public benefits, local benefits as opposed to general benefits; and in considering questions affecting this principle the doctrine involved in the principle of betterment has always been to keep the distinction between private benefits as opposed to public benefits clear, and to keep local benefits distinct and prominent as opposed to general benefits. I would wish to explain this by an illustration: Take any street improvement. The street improvement improves the whole metropolis; everybody is benefited in the metropolis through

Chairman—continued.

the general benefits that will accrue and enure from the construction of that street. It facilitates locomotion; it enables goods to be carried about more quickly; it enables trade to be carried on the better; and it facilitates and confers large general benefits upon the whole metropolis. Those are public benefits, and they are general benefits, and where they are general benefits they ought to be paid for by those who participate in and have those general benefits. Therefore, they ought to be paid for by the central authority, and by all persons alike in respect of those general benefits conferred upon them by the carrying out of the work and the outlay incurred. But then there are in addition not only the general benefits so conferred on the general public, but there are accruing and are found to accrue special benefits to particular properties, special enhanced values given to particular identical properties, be it houses or be it land, which are conferred and are added on to the general benefits. So that a property owner holding a property, say in a back street, gets and is in possession of not only the general benefit which a person in a good street in the West-end or far removed from the locality perhaps has conferred upon him by the general outlay, but, if the improvement is carried out, has by reason of his property being brought to the front, and made of greater value and practically lets for more, or more can be realised and got for it by sale or by rental, a special benefit conferred on his property. By that public outlay he has got into possession of that additional or enhanced and special value created to that particular property, and he enjoys that special benefit and value in addition to the general benefit which all other persons in the metropolis derive from the outlay. That being the case I would wish to draw the attention of the Committee, if I may be permitted to do so, to the great distinctions that exist between assessments for benefit and rating. Rating involves this, as understood in our terms, an equal assessment on every person or property in a given area without distinction; for instance, parish expenditure, transformed into the form of a rate, levied equally according to the rateable value over each and every one property that is within that particular area. There is no exception. No person is assessed on more than the value of that which he has and holds as a property entered on the rate books. On the other hand, the distinction of betterment is this: It deals with the particular properties, and it is not rate but assessment, an interception of a special and enhanced value which that person has over and above the rest of the persons in that given area or any other area.

1155. In what sense are you using the word "equally"; do you mean equal proportion?—Yes, I use it in this sense, that the principle of betterment is to endeavour to find out the particular properties which are and have had conferred upon them by the public outlay additional values over and beyond those which others have had conferred upon them by the same public outlay; and it is directed to the individual property, and not to any area, be it large or be it small, or

Chairman—continued.

any other community than that of the particular individual property.

1156. I want to understand you, if I can, but your words do not, at present, convey a definite idea to my mind. Take house A, which has not been bettered, we will say, and house B, which has. When house B comes, for the purposes of rates, to be assessed every year, it might be or in the Metropolis quinquennial valuation it will be, rated in proportion to its enhanced value, will it not?—Yes, but I was not dealing with that point. What I was endeavouring to say was this, and to draw the distinction between the principle involved in rating, and the principle involved in assessment for benefits which pass under the title of betterment. The theory of rating is to rate everybody and every property alike on one given principle. The theory involved in betterment is to inquire where there have been additions made to, or special value added to property, and to deal with it as an individual property and not as a collective property in any one community or area.

Earl of *Onslow.*

1157. Do I understand you to say that the object of betterment is to ascertain the improved value, and that you cannot ascertain it by the ordinary system?— No, not the improved value.

1158. Will you kindly repeat your statement? I did not quite follow it?—The distinction that I am drawing between assessment for betterment and rating is this, that as regards rate, rate involves the idea and theory of rating all properties equally whatever they may be on any system you like.

Chairman.

1159. It is the word "equally" which seems to require exposition; we do not understand what the word "equally" in your sense means?—Equally in respect of each pound value, if you take the value in the rate book.

Marquess of *Salisbury.*

1160. A sanitary rate in the country is levied four times as heavily on house property as it is on land, is it not?—Quite so, but one person's land does not pay more than another person's land; each land pays its quota, each house pays its quota of a sanitary rate; but in betterment it is not directed to that object. It does not profess to be a rating of any area of community, except the particular individual properties that may happen to be or to lie within that area. I do not know whether I have made myself clear.

Earl of *Dunraven.*

1161. Do you mean that in rating every property forms only a portion of a larger area which is rated?—Yes, and there are no distinctions drawn. There may be differences of amounts, but there is no distinction of rating upon those who may be within the area.

1162. Do

Earl of *Onslow.*

1162. Do I understand you to mean this, that where you rate for betterment, you rate with the special view to ascertaining what the benefit conferred by that improvement has been, but where you assess for the ordinary purposes of rating, you simply inquire what is the then value of the property without any reference to what has brought it up to that value, is that your point?—No, not quite. First of all, I say we do not rate for betterment. We assess for the purposes of the inquiry, having regard to each particular property, and we deal with each particular property, and different considerations enter into it. But with regard to rate, once settle the principle, there are no different considerations. You may have different considerations with regard to amount or ideas of value, but once ascertain what is to be rated, the land pays alike equally, and the houses pay alike equally. But that is not the object in view of betterment.

Chairman.

1163. I should have thought that that was a confusion of categories. The question is, it is one thing what it is, and another what the object of it is; which seems to me to be in a totally different category. The object of a thing is a totally different thing to what a thing itself may be. When you are describing two different things you pass from a description of the thing into the object with which one is done, and the object with which the other is done, which seems to produce confusion in my mind, and prevents me following you so clearly as I should wish to do?—I was only drawing attention, quite apart from its general application, or how you are going to apply it, to the great difference and distinction that there is between assessment with reference to betterment and its application and assessment for rating, as it is known by us. I do so, for this reason, that where you get an area, you get a rating area.

1164. I do not understand what you mean by that. You have an area for rating, whether the rating is for betterment, or whether it is for the ordinary purposes of poor rate, have you not. I use that phrase by way of convenience, although we all know that poor rate includes a great deal more than is necessary for the support of the poor. Do you mean each as an area?—No, my Lord, that is the distinction I wish to emphasise by this illustration. You have an improvement rate over an improvement area, and you have a greater area, namely, the improvement area. You have an assessment for benefit; there is no such thing as a betterment area at all, and your betterment assessment would not be over a given area, it would be over an area within which you might confine your inquiry, but it would be only an assessment upon the individual properties within the range which the inquiry might cover; and the distinction which I was venturing to submit to your Lordships was that you have rating areas but you have no such thing in the sense of rating areas as betterment areas. You have an area within which the inquiry may be limited, but your inquiry within that limit is directed not to the whole area, but to the individual houses or properties deriving the benefit.

Chairman—continued.

1165. Then it seems to me to be only a question of words during the various periods of the process. In your scheme it has been called a line of exclusion, but when you have once ascertained it by your award every individual house included in that which is subject to the increased rate might properly be described as a betterment area, I suppose?—Yes.

1166. Then it is only a question of words, is it not?—But confusion arises by using the term "betterment area," in the sense you use the words "a rating area," for it assumes that because in one case the rate must extend over the rated area, therefore the betterment must extend over the betterment area. It is no such thing; because the betterment investigation is limited to the individual houses in the area, and is a totally different thing to having an area fixed for the purposes of rating upon any principle whatsoever.

Earl of *Onslow.*

1167. Do you say that that affects in any way the value assessed upon any particular property?—No; I am not dealing with that question; I am dealing with it simply as a description. I am dealing with it entirely as an interpretation clause. I am sorry I did not make myself more clear upon that point. It is a definition clause, and it is important, because a great deal of confusion or misunderstanding in relation to this question has arisen from the assumption that there is a betterment area on which you are going to levy a betterment tax, in the same way as you have got an improvement area on which you are going to levy an improvement rate. In the one case you have an area for rating, and you use that area to describe the co-equal levy on different classes of property, according to each class of property, but none are excepted, all are liable, whereas in the so-called betterment area it is an area limiting the inquiry, outside which you do not go; and the particular assessments inside that area have nothing to do with one another, but are the result only of individual inquiry in relation to each particular property that is within that area with which you have to deal. That being so, I wish to mention that the area which has been described as "limits of deviation" is nothing else than a term which has grown up in practice with reference to Metropolitan improvements from the old Acts, and has nothing to do with the mere betterment assessment itself, and has only been used in the same sense as in the old Acts, for the purpose of confining on this occasion the range of inquiry which the arbitrator is to enter upon. I have here the original deposited plans in connection with the Metropolitan Board of Works Act of 1877, and also the Bill which subsequently passed into an Act in that year. If your Lorships will look at those deposited plans, you will find on that occasion there was a very large margin which was inserted for the purposes, avowedly, of recoupment, and taken for the purposes of recoupment, buying and re-selling. All the properties so included are included and are described as being within the limits of deviation.

 1168. I think

Chairman.

1168. I think the Committee are familiar with the fact that "limits of deviation" is an inaccurate phrase, and I think they are familiar with the fact of how it has grown up?—Yes, it included lands taken for recoupment; and 1877, as your Lordships know, was the first occasion when any large quantity of land was taken for recoupment by the late Metropolitan Board of Works in carrying out these improvements. In 1877 the scheme involved a very large area of recoupment for a very great number of improvements. There was the Charing Cross-road, and there were several other improvements. On that occasion your Lordships' House desired, when the Bill came before it, to excise from the Bill the power to take any other lands than those which would form merely the site of the actual roadway and necessary adjoining works. Upon that a difference arose between your Lordships' House and the other House; the matter was debated between the two Houses, and finally it was arranged that the principle should be recognised of allowing recoupment. The clauses were restored, and under that Act large areas for recoupment and for recoupment only were allowed to be taken, and established substantially the principle of recoupment in its application to London. Since that date the principle of recoupment during the whole life of the Metropolitan Board of Works was applied in subsequent Bills.

1169. Do you mean between the year 1877 and the time when the Metropolitan Board of Works ceased to exist?—Yes, down to 1889. The system had been applied in a small way before 1877, but that was when the recoupment principle was fully recognised. It continued from 1877 to 1889, and street improvements were laid out on the theory of recoupment. In the deposited plans there was a note that there are certain properties taken for the works and certain properties which would be purchased for recoupment; but beyond that note on the deposited plans there was no other notification.

1170. In the Bill I suppose there was nothing to prevent the Metropolitan Board taking everything they had scheduled?—There was nothing in the Bill in words to prevent them taking everything, but they were not permitted to hold the surplus land. A clause was afterwards inserted in all their Bills, and had to be taken into consideration with another Bill, the money Bill; because as your Lordships know the Board of Works and the metropolis has its money provided by an annual money Bill quite irrespective of the works; and surplus property is attributed as part of the capital to the particular capital outlay of each particular improvement; and there is an overriding clause that the surplus property, even that purchased for improvement, must be realised within such time as the Treasury think fit in order to replace that capital outlay in actual cash within the term during which the capital is borrowed for the particular improvement. That time is generally 60 years. In that way and by that machinery the public authority was prevented holding surplus land longer than the period which the Treasury (as

Chairman—continued.

regards the Metropolis, at any rate) should consent to their so holding.

1171. Could they merely speculate in the land, or were they bound if they took it to pull buildings down and re-construct?—No; they were not bound to pull down.

1172. Then they might hold as a speculation, might they?—They might hold as a speculation, subject, of course, to the control of the Treasury, because the whole financial position of the Metropolis has to be laid before the Treasury. A return is made of so much capital value in the form of property bought for recoupment, called surplus lands, as against each particular improvement, and if the Treasury saw that sales were being unduly delayed, or that there was not some satisfactory reason otherwise, they would require the conversion of that land into cash, and by law the Treasury cannot consent to its being delayed longer than the period which the loan has got to run, 60 years.

Lord *Belper.*

1173. What would be the effect of that, roughly speaking, as to the time they would be allowed to hold the land?—We have lands under the 1877 Act still.

1174. And it might go on for 60 years, you say?—Yes, if the Treasury consented.

1175. Then practically they had a tolerably free hand in regard to holding the land, as long as they thought desirable to hold it?—No; it was subject entirely and absolutely to the control of the Treasury. If the Treasury, on the year's estimate being submitted to them, pointed out that this land under the old Acts ought to be realised, and that we were nearing our time for wanting the money, would say: "We cannot allow you to take credit as an asset for this land; you must convert it and sell it."

1176. That would be land which had been obtained under this old Act, and where there had been ample time for them to have realised it if they wished to, would it?—Yes, of course the Board of Works sold according to the opportunities accruing. On the other hand the policy with the Council where there are ground rents is rather to keep them; but it is of course a matter which is adjusted each year having regard to the special circumstances of each particular asset or surplus land appropriated to each particular improvement. In some cases we have realised very large sums; in others we have still got them because it is beneficial to hold them.

1177. I suppose under those circumstances it is very difficult, is it not, to say what the effect of the adoption of this principle of recoupment has been. If a great deal of the land has not been realised which was acquired years ago, you cannot actually say what the effect of the process has been until the land has been realised, can you?—Yes, we can; because that land is valued each year.

1178. You can only say so as far as your valuation is concerned?—But the Treasury required a valuation each year. In its unconverted present state the property is an asset; and in order

Lord *Belper*—continued.

order to satisfy the Treasury that the amount you treat it as worth in the books as against capital is correct, there has to be a valuation.

1179. But you cannot actually tell the effect of what has been done, can you, until your land has been turned into actual hard cash?—Of course, you cannot balance it.

1180. You cannot balance up the account, can you?—No, you cannot, except on valuation; but assuming the valuation is correct, and taking cases where you have no surplus land, you can tell it to a penny. With reference as to what I described as the principle involved in betterment, the same principle will be found in a number of precedents which I could lay before your Lordships in English legislation, and in instances in which that principle has been applied, the principle being of assessment according to benefit, and not according to any other relation or consideration, such as a benefit or enhanced value with regard to individual areas derived from drainage. I have here the precedents collected from the Acts, if your Lordships desire to follow that point up in any detail.

Chairman.

1181. Can you state in any abstract form what the principle regulating those Acts appears to have been?—Yes; I will take drainage. There the assessments are required to be made simply upon the basis of the particular property benefited, and in ratio to the benefit that it derived from the works. That was the basis of the old Act of Henry VIII. relating to sewers, and which was the foundation of all Commissions of Sewers. They carried that out to such an extent that none were to be spared who received benefit, even if the benefit were not immediate. Your Lordships will find that laid down in the case of Smith *v.* Wilson.

1182. You are now dealing with the construction of the Courts upon it; I thought you were dealing with the words of the statute?—No. I will give you the words of the statute. The first statute as to sewers says that they were to inquire and make survey of the damages, and if need be to stop them up, "so that no tenants of lands, or tenements, nor any having the common of pasture or fishing, rich or poor, nor other of what condition, state or dignity, which have or may have defence, commodity, and safeguard by the said walls, ditches, gutters, sewers, bridges, causeys, or wears, or else any hurt by the said trenches (whether they be within liberties or without), shall in no wise be spared in this;" and the assessment was made accordingly.

1183. Over what does the assessment extend?—In ratio to the benefits.

1184. Is there no geographical limit?—No, there is no geographical limit. They found in practice that one way of testing the benefit was with reference to the level, and if the level was adopted for drainage, the benefit being co-equal, they would make an assessment entirely in connection with that benefit on all those within that particular level. That was merely a method of arriving at the result to see how they could group, if possible, the benefits, and they took

Chairman—continued.

that area as being an indication of the co-equal benefit to all those on that particular area.

1185. Is that test in the statute, or do you say that is the practice?—The word "level" is not mentioned.

1186. What are the words of the statute under which that practice has grown up?—I have not any further reference than that I have read.

1187. That will be enough, we can look at the statute ourselves. That of Henry VI., I see is the first statute?—Yes. As your Lordship has that pamphlet before you, will you refer to page 1; you will see the case I was citing there of *Smith* v. *Wilson*: "None were to be spared that received benefit, even if the benefit were not immediate." The assessment was regarded in the nature of a betterment or improvement on the fee of the land. That was also as rate charged on land, and became a first charge. Your Lordship will find on page 7 the extract from "Callis on Sewers" with reference to the King's lands.

1188. That is where the rate was bad, because they had not included the 800 acres of the King?—Yes; every interest that was to be assessed was assessed in ratio to the benefits. Under those general Acts commissions of sewers were granted, and in London there were seven such Commissions, which are mentioned on page 7 of that report for Westminster, part of Middlesex, and so forth. Following that up you will find there is an extract from the Sewers Act of 1807 of one of these commissions in which it recites that many persons who reside at a greater distance than two miles from the City of London "have the convenience of carrying off the waters from their lands and houses by means of divers communications with the great sewers under the management of the Commissioners of Sewers of the city and liberty of Westminster, and of the part of the county of Middlesex, and that those communications with great sewers aforesaid have caused great expense," and that it is advisable to extend the area; and new districts are brought in to the intent that they shall be subject to all provisions as if those extended districts were parts of the original parishes. And you will find that the parish community is not made the local community at all, but that Paddington, Chelsea, and Kensington and part of Willesden are added to the districts which drained and assessed those particular parts; showing that those who derived the benefit from the sewage system were to be made liable for the benefit so conferred upon them by the public outlay. Your Lordships will find that at the bottom of page 8 there is an illustration of the Sewers Act for Surrey and Kent of 1809. If your Lordship will look at the bottom paragraph you will see it was "enacted that the said borders and confines shall be considered to be and extend to such place or places as the said commissioners may from time to time adjudge to receive or derive benefit or advantage from the works to be done and performed in pursuance of this Act, so as such borders and confines shall not extend or be deemed to extend beyond the space of 200 yards from any of the said sewers or works so to be made, done, and performed,

Chairman—continued.

and after such adjudication the said places shall be considered and taken to be to all intents and purposes part and parts of the said districts hereinbefore mentioned and be no longer comprised or considered as forming any part of any other district under the jurisdiction of the said commissioners. And be it enacted that the commissioners shall from time to time divide or form so much of the area within the limits of their Commission as are included in the divisions, districts or levels, formed within the limits of the said several commissioners which will be determined by the issuing of the first Commission under this Act, and also the parts under the jurisdiction of the commissioners for executing the said Act of the 5th year of King George the 4th, and also such other parts within the limits of the Commission under this Act as shall appear to the commissioners to require the exercise of all or any of the powers vested in the commissioners if and as occasion shall require into separate sewerage districts"; showing that when new areas were brought in the Commissioners were to say according to the benefit derived they were to be liable to contribute in the same way as the original persons in that area for which the Commission was originally started.

1189. Limiting it to within 200 yards of any of the sewers?—Yes, the sewers constructed by another area. There were seven Commissions in 1848, which you will find were consolidated in London into one Commission under the Sewers Act, 1848, and instead of being separate Commissions there was made one Metropolitan Sewer Commission, and one for the City; so that in 1848 they were in that form. If your Lordships will allow me to refer you to the top of page 9 you will find that, by Section 40 of the Act of 1848 the Commissioners are to separate the districts for assessment, "having regard in such division or formation to the nature of the ground to the main lines of sewers by which separate districts are or shall be drained, or to the main lines of sewers which it may appear to the Commissioners expedient to form for the drainage of such sewerage districts, and to the equal benefit as far as may be of all lands and buildings comprised in such districts, and the Commissioners shall from time to time mark and describe on a map to be kept at their chief office the limits of such sewerage districts." Your Lordships will find in the next clause that they deal with the special works or special benefits attributed to particular properties; because they say, as to the expense of such works as shall be so required by the Commissioners to be done within the City of London (they already have their system to a certain extent) "in case the same shall not be required for the effective drainage of the said city and liberties, but shall be wholly for the benefit of any lands or buildings, and for the purpose only of facilitating the drainage of any district within the limits of the Commission, shall be defrayed by the Commissioners, and shall, on demand thereof, be repaid by them to the Commissioners of Sewers of the City of London." So that if they were to make use of the City Sewers the Commissioners are to

Chairman—continued.

pay them. "But in case any such works shall be for the mutual benefit of lands or buildings within the limits of the Commission, and of lands or buildings within the City of London or the liberties thereof, then the expense of such works shall be divided between the Commissioners of Sewers of the City of London and the district or districts which shall be benefited."

1190. That is as between the two sets of Commissioners, that is all, is it not?—Yes. Then the whole system is further illustrated by the section which is continued on the top of page 10, section 76. They are to make such a rating map, and an area for rating, "as shall, in the opinion of the Commissioners, be incurred for or on account of or enure to the common benefit of all the sewerage districts, or shall not be defrayed out of any other rate or rates hereby authorised to be made, and in respect of any expenses, or portion of expenses, of making or enlarging, contracting, or otherwise improving or altering, discontinuing, closing, or destroying any sewer, or of any other works of a permanent nature where such expenses or portion of expenses in the judgment of the Commissioners shall be incurred for the special benefit of such separate sewerage districts, or ought to be charged thereon," then it is to be charged to that particular district. So that the working of these clauses is this; that you had, as your Lordships will see at page 13, areas not in any way parochial, no other community being adopted, but that simply of benefit; and in ratio to benefit was rating applied. You will find that in one of the Acts, 1856, Hammersmith and Fulham were assessed in common with the Commissioners of St. Andrew's, Holborn, simply because their drainage was taken off by the system of sewers of St. Andrew's, Holborn. So that, in point of fact, the whole of this table shows, if you will look at the levy which is made on the different rates on the next page, that those sewer districts had nothing to do with any other consideration than that of benefit derived from the particular system of sewers constructed for that particular district.

Lord *Hobhouse.*

1191. Was there any appeal given from the commissioners?—No, they were absolute; the commissioners are made the judges; they made the charges, and because a person at Fulham derived benefit when he was joined to the St. Andrew's, Holborn, system, he had to pay the rate levied by a Commission for the expenses of that Commission, and not that which his adjoining neighbour in a little intervening parish was paying, because he was joined to another system.

Lord *Lingen.*

1192. But these are improvement rates, are they not; these are not betterment rates. The rate is levied on the district for the improvement of the district, is it not?—No, my Lord; these are sewers rates, which are levied for the expenses in ratio to the benefits conferred on the particular properties or areas.

1193. On

Lord *Lingen*—continued.

1193. On the particular properties, are they?—Yes.

1194. Not on the district?—No, my Lord; there is no other district except the sewage district, and that is dealt with with reference to the benefits.

Earl of *Onslow.*

1194*. By whom were the areas fixed?—By the Commissioners.

1195. In the Bill?—No. I should tell your Lordships that the Commissioners sitting under the Statute of Sewers is a Court of Record, and they can make decrees and sit as a court, and by powers under the Statute they sit in a judicial capacity.

1196. They drew the line on the map fixing the area, I understand?—Yes, the area of benefit; and the only things taken into consideration, and which governed them in those assessment wards were not parochial, because you see in the table on page 13 it runs through only certain parishes. But the one common consideration was simply benefit, and they said, "We will assess you and group you according to the benefit you derive."

Duke of *Norfolk.*

1197. But these improvements were specially undertaken and put forward for the benefit of the people who had to pay for them, were not they?—Certainly.

1198. It was an accidental gain which the people were to pay for, was it not?—No.

1199. It could not be quoted as a case of betterment, could it?—No, not at all as a case of betterment in that sense.

1200. The two principles would be totally different, would they not?—No, my Lord. I venture to say that the whole of the sewerage system under these Commissioners of Sewers is one of assessment according to benefits. I say, if I may venture to say so, that that is the underlying principle of betterment, it is assessment according to benefits; inquiry as to the amount of those benefits, and fixing of the assessment in ratio to the amount so ascertained.

Chairman.

1201. It is quite right, Mr. Harrison, to express your view upon it, but what the noble Duke referred to was this, that it was not expressly a benefit there. If I remember rightly some of these statutes begin with the recital for the necessity of a protection to the realm, do they not?—Yes, such as the motive of putting up works to prevent the sea coming in.

1202. I do not want to argue it with you, but take a concrete case to illustrate it. I suppose a sea embankment put at the corner of Essex in one sense would benefit people 50 miles inland, because you might have an overflow of the sea to that extent, if the levels permitted it?—Yes, and you will find, under those conditions, the Commissioners invariably assessed the benefits in different ratios, so that those who got the greater benefit had to pay the greater amount.

1203. That is not quite what I refer to; that is the protection of property without which the

Chairman—continued.

property would be destroyed, is it not?—Quite so.

1204. That may be within your principle, I do not say it is not; I only want to understand what the facts are?—Quite so. It did not stop at the sewers, because you will find that the fundamental system runs through even paving, watching, lighting, and other things. There is a series given in the 4th Schedule of that paper, to which your Lordship will find an index at page 29. At page 29 you will find that Local Acts follow assessments according to benefits; and to that extent that up to 1855, on the introduction of the Metropolis Local Management Act when the system was accidentally altered, the 315 odd Local Acts in the Metropolis, under which the Metropolis was then governed, there is hardly one of them that does not assess property which is empty, at half rates, and also property which is in process of building and is not complete. It is expressly recited (and you will see that Paddington is a very strong case indeed of this) at page 34, "And whereas it has happened and may happen that houses and other buildings within the said parish have been or may be began to be built, but not finished nor let, and it is reasonable that such houses and buildings should be rated and assessed for the purposes of paving, watching, and lighting." Therefore they were assessed according to the provisions of that statute, because they derived the benefit, although they were not built, of the watching and the paving and of the street. It was common to assess them in ratio to and in consideration of the benefits so conferred.

1205. Localising the benefits or the payment of expenses for local benefits has undergone considerable discussion and some alteration of views, I suppose?—Yes, since 1855.

1206. All the expenses of the Criminal Jurisdiction of the country was paid by the particular county in which an offence occurred. That has been entirely altered by reason of its being felt to be a gross injustice, has it not?—Of course; but the theory laid down in these Acts is that empty houses, or houses in process of building derive from a certain portion of the rates, benefits; they are watched, the roads are watered, and the Local Act does not assess the whole of the local rates upon them, but only those in respect of which a benefit is conferred. Vacant land was assessed in the same way and had to contribute. There are a vast number of other instances which you will find in these precedents which I have handed in. The cases of the street improvements are collected at page 35, and they are extremely illustrative and extremely interesting. They begin with the case of the City of Westminster on page 36, which was the only other area at that date outside the City of London. There was very little building except in the City of Westminster and in the City of London at that date. Your Lordships will find there that there is a distinct assessment for the benefit which the houses remaining would receive from the street improvement, and the jury were to assess upon the owners "such competent sum or sums of money,

Chairman—continued.

or annual rent in consideration of such improvement and renovation as in reason and good conscience they shall judge and think fit, which said sums of money or rent shall be paid to the Chamberlain of the City of London." You will find that they had shortly afterwards in the City of London itself another Act, which in distinct words also was for an assessment. The words of that Act are extremely illustrative of the recital in the present clause, which has been so much under consideration by your Lordships. It runs: "And forasmuch as the houses now remaining, and to be built, will receive more or less advantage in the value of their rents by the liberty of air and free recourse for trade, and the conveniences by such regulation and enlargements. It is also enacted by the authority aforesaid that in case of refusal or incapacity as aforesaid of the owners or others interested of or in the said houses to agree and compound with the said Lord Mayor, aldermen, and commons for the same. Thereupon a jury shall and may be empannelled in manner and form aforesaid, to judge and assess upon the owner and others interested of and in such houses a competent sum and sums of money with respect to their several interests in consideration of such improvement and amelioration"—betterment was called amelioration in those days.

Chairman.

1207. I am not quite certain that you are right there. I rather think that that word may be properly referred to some of the houses that might be altered. It is only a verbal correction of mine; I am not quite certain that you are right that amelioration referred to anything else than the improvement of the substance of the house itself?—"As in reason and good conscience they shall think fit." There is a comment on the working of that Act given in Mr. Pepys' "Diary," in which he points out what is the working and how the assessment was made; which is set out on page 37, immediately following the page I have been dealing with.

1208. The benefit there I think is attributed to the city being burnt, is it not?—Having been burnt, my Lord, no doubt. Then, my Lords, there are other local Acts which you will find which are all following the same principle down to 1851. These are grouped under the different classes of improvements, and in some cases after reciting the benefits some persons will derive, they put a fixed sum and do not inquire as to the special benefit which a particular owner might derive. Then, my Lords, we come to a very important illustrative case which is stated on page 42A. In that case there are three Acts relating to the city of Edinburgh. I will not trouble your Lordships with reading them, but in substance it is this. I have a contemporaneous map here, if your Lordships desire to see it, showing that they divided the benefits into general benefits and into special benefits, and they assessed certain properties and certain areas with a liability to contribute a rate fixed by the Commissioners in those areas, in ratio to the special benefits conferred.

Lord *Hobhouse.*

1209. And beyond a special there were extra special benefits, were there not?—Yes; that is a distinction. It is a very illustrative case. They have a general rate; they have a special rate to be ascertained by the Commissioners; and also you will find, in the case of land not covered with building, they assess a percentage upon the capital value of that land, and a percentage upon what might be derived by the sale in the case of the vendor or owner not himself building but selling to a third person. That was in 1829. Of course the mistake there was to fix a percentage by the Act instead of leaving it, as is proposed, to subsequent inquiry. But the principle is the same, and the recitals in that Act are very important. They are mentioned on page 42c., if your Lordships will refer to it. Section 14 of the original Act is, "And whereas the value of certain lands and areas suitable for being built on will be greatly increased by the execution of the aforesaid improvements, and it is just and reasonable that the proprietors, life-renters, or superiors thereof should contribute a part of such increased value towards the expense thereof. Be it therefor enacted," that they shall be assessed.

Lord *Zouche.*

1210. In case of this special rate I understand each individual in the various areas had the same amount to pay?—No.

1211. Were individuals rated differently?—Yes, individual properties; and you will find the words of the Act are expressed; it says "or any parts thereof," they run throughout in that form. We have ascertained that the assessments were made in that way. So also, I venture to observe in reference to all the other instances, according to the benefit so it was to be assessed. Throughout, the principle has been assessment according to the benefit. Then following that there is another instance of a street improvement, which has got a little out of order in the list here, to which I would desire to call your Lordships' attention, it is at the bottom of page 42. Your Lordships know the Government of Gibraltar and its constitution; this was a sanitary order made in Council in 1883 at Gibraltar, and confirmed here by Her Majesty.

Chairman.

1212. I see the emphatic words are, "The occupiers of which will be benefited by reason of improved access to or otherwise by the widening, enlarging, or diverting any such public highway"?—Yes, it is Section 271: "Such part of the capital as the Commissioners shall order, being in no case more than one-half, and of the interest thereon, and the expenses of the Commissioners relating thereto, shall in every case be charged upon the premises, the owners and occupiers of which will be benefited by reason of improved access to or otherwise by the widening, enlarging, or diverting any such public highway, or constructing any such new public highway, for which purpose the Commissioners shall rate and assess to the payment of the capital and

to

Chairman—continued.

to the payment of the interest thereon, and their expenses relating thereto, every person liable to be rated and assessed to the General Sanitary Purposes Rates in respect of any such premises; provided always, that the Commissioners, whenever they shall purchase a part of any premises held in entirety under the same title, the owner of the residue whereof shall be so benefited

Chairman—continued.

and shall think fit so to do, may construct and agree with such owner and the occupiers of such residue for the exemption of such owner from such rate or assessment to the repayment of such part of the capital and the interest thereon, and such expenses in respect of such residue of such premises."

Ordered,—That this Committee be adjourned to Tuesday next, at One o'clock.

Die Martis, 5° Junii 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Marquess of SALISBURY.
Earl of DENBIGH.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (*Earl of Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord HOBHOUSE.
Lord LINGEN.
Lord THRING.
Lord FARRER.

THE LORD HALSBURY, IN THE CHAIR.

MR. CHARLES HARRISON is recalled; and further Examined:

Chairman.

1213. I THINK you had reached a pause in your evidence on the last occasion; perhaps you would go on where you left off?—If your Lordship pleases. In regard to the question which your Lordship asked me about the Sewers Act and the enclosures in regard to sea-walls, I would wish to refer your Lordships to two cases to show that the Act of 1855 made no alteration in the system of assessment under the Sewers Act, and that it was an assessment according to benefit irrespective of immediate benefit. There are two cases, of which I would like to read to your Lordships the marginal note. One case decided in 1835, that of Soady *v.* Wilson, is reported in 3 Adolphus and Ellis' Reports, page 248. The question which arose there was in regard to the sewers and the assessment of benefits for the sewers under Somerset House. The sewers in the east wing of Somerset House were in one division, and the sewers under the central body of the building and in the yard were under another; and the question that arose was whether the eastern wing was liable to be rated under the Sewers Acts in respect of the eastern wing for this sewer from which they derived no immediate benefit. That case came into the courts for decision, and Mr. Soady, who was the representative of the Commissioners for Auditing the Public Accounts, who were then occupying the premises at the east end of Somerset House, was the appellant against Mr. Wilson. The marginal note of that case is this: "Under the Statutes of Sewers every person whose property derives benefit from the works of the commissioners is liable to be rated, although the benefit be not immediate. Thus, where a case stated that the eastern wing of Somerset House was drained by the Board of Works, and had no communication with the common sewer running under the body of Somerset House, and being under the jurisdiction of the commissioners, and that the buildings derived no benefit from that sewer except the general advantage of being accessible, and of the approaches and neighbouring public ways being properly drained and cleansed, it was held that the occupiers of the eastern wing were rateable for the common sewer."

Chairman—continued.

1214. That is to say, the Statute creating the power of rating made any benefit the test?—Yes, any benefit.

1215. The finding in the special case, by which of course the court was bound, was that there was some benefit, though not an immediate one?—Exactly. The marginal note follows the finding stated in the case; the words in the case are: "There is a common sewer running through the square at Somerset House, running under Somerset House, which was made, and is cleansed, repaired, and maintained by the Commissioners of Sewers for the city and liberty of Westminster; but the drains and sewers under the eastern wing aforesaid do not communicate therewith, nor do any of the drains and sewers stated above to have been made, and to be cleansed, repaired, and maintained by and to be under the management of His Majesty's Board of Works, so that the buildings of Somerset House derive no immediate benefit from the said drain or sewer of the Commissioners of Sewers, except the general benefit and advantage of being accessible, and of its approaches and neighbouring public ways being properly drained and cleansed." There was, therefore, no immediate benefit.

1216. Therefore that case established that the view of the Court of Queen's Bench is, that when the Statute uses the word "benefit," it is not

Chairman—continued.

not limited to immediate benefit; that is all it decides, is it not?—Yes, and it is made liable to the rate.

1217. That follows as a matter of course; given the other proposition the rateability is undoubted?—I understand that is so, my Lord. Then the assessment of benefits was not merely confined in former days to benefits from sewers, but extended to benefits in other ways and for other improvements. A very illustrative case may be mentioned, that of the Richmond Foot Bridge, Sluices, Lock, and Slipway Act, 1890, which was passed only the other day. In that Act the contributions were to be made by certain urban sanitary authorities in the neighbourhood of the bridge, and the amounts expended were to be contributed in certain ratios. The Richmond Urban Sanitary Authority was to pay 57*l.* 7*s.* 3*d.* in respect of each hundred pounds specified; the Twickenham Urban Sanitary Authority was to pay 35*l.* 8*s.* per cent.; Isleworth was to pay 2*l.* 13*s.* 5*d.* per cent.; the Ham Common Urban Sanitary Authority was to pay 1*l.* 14*s.* per cent.; and the Richmond Rural Sanitary Authority was to pay the sum of 2*l.* 17*s.* 4*d.* per cent.

1218. I suppose by reference either to the evidence or to something in that Statute you will give us some account of the portion charged on each of these districts, otherwise it does not help us much?—Yes; it is an assessment arrived at in ratio to the benefits of those properties which being nearly adjoining or in the district of the bridge were likely to derive advantages from the bridge. The bridge, I may say, is below the existing railway bridge at Richmond. It was opened the other day. As the Richmond population wanted the bridge it was arranged that the Richmond inhabitants, who benefited so much more than the other districts, should pay the 57 per cent; and Twickenham, which is much further up the river, as your Lordship knows, deriving a lesser benefit and having a lesser population, was assessed at 35 per cent.

1219. You say "it was arranged"; do you mean that it was enacted *in invitos* or that this was an arrangement made amongst themselves by the various authorities?—This was the arrangement that was discussed amongst the various authorities; Richmond being the chief promoters of the bridge, after various schemes were proposed, the question being how to provide the expense, the conservancy took one portion of the expense, and the balance of the expense was distributed over these districts in the several ratios mentioned in the Act.

1220. But by the assent of the persons affected?—By the assent of those several authorities, that is to say, they concurred in contributing in those ratios. I was referring to the precedents in the red book. I have mentioned most of them without troubling your Lordships to read them in full.

1221. I was going to suggest that unless there is something you wish to call special attention to with regard to some evidence of your own, it will be hardly worth while for the Committee to go through the red book. If there is anything

Chairman—continued.

you wish to give your opinion upon it would be well to refer to the particular case?—Quite so; there are two instances I wish to refer to without troubling your Lordships to read them in full. One is the Thames Valley Drainage Act, which is set out at page 58 of the Precedents. That Act was passed after an inquiry relating to the drainage of the Upper Thames. That Act was very much contested, as well as the provisions upon which it followed, which had been the subject of investigation in the Committee previous to that. It relates to a very large area, and the costs of the Act of Parliament are stated in the memorandum at page 2 as being 10,000*l.* and odd. That amount was levied by a general rate over the whole of the drainage area of 2*s.* 10*d.* per acre. Having made the general costs of the Act a general rate, the Act provided by Section 79 (your Lordships will find it at page 58) that "from and after the date fixed by any order of the commissioners for the election of such district boards, and of the commissioners to be elected by such district boards respectively, it shall be lawful for the commissioners and such district boards respectively, or any or either of them, from time to time to make assessments in writing, ascertaining and fixing the probable or actual improved value for purposes of rating of the several lands within the jurisdiction of the commissioners or the district boards respectively." It directs, in other portions of the Act, how that rating is to be carried out in regard to the benefits, and it makes the expenditure assessed upon the property a capital charge; and by Section 91 (which is at the top of page 60) it is considered that the lessee or occupier is so improved by this additional portion of outlay so made or charged upon the landowner that the lessee is to pay an addition of 5 per cent. per annum on the amount of that portion of capital which is charged against the property in respect of which he is the lessee. It is looked upon that the lessee's property is so improved by the arterial drainage system carried out by the commissioners that he is to pay an additional quantum of 5 per cent. by way of rent to that outlay. Then I do not propose to refer to any other of the precedents or points raised in this book, save Section 159 of the Metropolis Local Management Act of 1855. That section is given at page 21: "Where it appears to any vestry or district board that all or any part of the expenses for defraying which any sum is by such vestry or board ordered to be levied as aforesaid have or has been incurred for the special benefit of any particular part of their parish or district, or otherwise have or has not been incurred for the equal benefit of the whole of their parish or district, such vestry or board may, by any such order, direct the sum or sums necessary for defraying such expenses or any part thereof to be levied in such part, or exempt any part of such parish or district from the levy, or require a less rate to be levied thereon as the circumstances of the case may require, and any such board may refrain, where any entire parish ought in their judgment to be so exempt, from issuing an order for levying any money thereon, notwithstanding they may issue

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Chairman—continued.

an order or orders for levying sums upon any other parish or parishes in their district." Now a question arose upon that with regard to the docks of the London Docks Company. It was asserted by the London Docks Company that for that portion of their docks which was under water they derived no advantage from the expenses of lighting or paving, and accordingly they appealed against the rate. The judgment of the late Mr. Justice Earle (which is reported in 8 Ellis and Blackburn, page 213) is stated at the bottom of page 21. His Lordship said: "We have had considerable difficulty in dealing with this case conclusively, so as to effect what justice seems to require, from the fact that the rate in question was made by the trustees under the order of the vestry. But, reading the question with which it concludes, with the statement at the beginning, that by agreement between the parties the case should be dealt with by us as if it had been granted by the Quarter Sessions upon appeal against the rate, we think upon the principles we shall lay down it will follow that the Dock Company ought to be relieved, and the Trustees or Vestry and the Dock Company, applying those principles, may without any great difficulty, and acting fairly and reasonably on both sides, arrive at the proper amounts." Then at the top of the next page the judgment continues: "If the fact of the inequality of benefit exist, although it has not appeared to the Vestry, the Court of Appeal would be bound to direct the rate to be annulled according to the truth of that fact. The difficulty, of course, is to lay down the rule by which the proportion of benefit derived from the paving expenses by different kinds of property is to be ascertained."

1222. The learned judge goes on to show that before that Statute "the rate was directed to be levied on the property situate within the streets, lanes, and places which were paved or adjoining to or opening into the same, as if the benefit from the pavement was considered to depend on the proximity of the property thereto"; and the learned judge goes on to show that the new state of things does not adopt that as a conclusive test?—Yes; his Lordship says, in the next paragraph, "It seems to us that the former usage ought not to be departed from, and the former exemption ought not to be taken away, unless it be proved that there is equality of benefit for equality of rate. The case does not state the facts relating to that part of the profit from the dock property which in any way depends on, or are connected with, the benefit from paving expenses; but it seems certain that some profits from a dock are not immediately connected with any use of paved streets, such as those from the use of the area covered with water by ships, and from the use of bonded warehouses for goods which, having been imported, remain there for a time and are then exported. If there are such profits they certainly entitle the company to an exemption from rate in respect of so much." A little lower down he says, "We have suggested these as instances where the benefit from paving expenses would not be equal to that derived to other pro-

Chairman—continued.

perty adjoining to the paved streets and obtaining direct value from their use." And then they directed a case, and they directed the rate to be amended accordingly. I quote that as showing that exemption is still, under the existing Metropolis Local Management Act, applicable to such areas as that.

1223. Is not the result there rather negative; that the space covered with water, and used only by ships, cannot possibly derive any benefit from lighting and paving, and therefore should be exempt under the language of the Statute?—Certainly. That was followed in a comparatively recent Act, the Thames Floods Prevention Act, which was applicable to the Metropolis, and was an Act directing that steps should be taken to prevent the Thames floods from flooding over at the sides Under the title of compensation to be paid under that Act, there was an express section, Section 26, which directed that "When any claim is made for compensation under the authority of this Act, the standing arbitrator shall have power to decide upon the validity of such claim and to determine what, if any, compensation shall be made to the person or body making such claim, and in adjudicating upon such claim, the standing arbitrator shall have regard to the nature of the flood works in respect of which the claim has arisen, the manner in which the same has been executed, the benefit, if any, which has accrued or which may reasonably be expected to accrue to the person or body making such claim by reason of the execution of such works, and generally to all the circumstances of the case." That has been acted upon. There have been references under that Act in which the benefits conferred by the execution of the Act have been the subject-matter of set-off in respect of the compensation claimed by the party making it.

1224. May I ask in passing, would your judgment concur with the propriety of that setting-off; that is to say (to use a phrase that has now become familiar), setting-off betterment against worsement, or worsement against betterment?—The question put in that form deals, I think, with a totally different subject-matter, that is, compensation. On that I am quite ready to give your Lordships my opinion, if you wish.

1225. I am confining my question at present to the principle laid down in what you have just quoted?—I am in favour of that, but that is a question of compensation, which is compensation for property taken; I am very strongly in favour of that. The Lands Clauses Consolidation Act says that purchase-money is to be paid, and all other considerations which go to reduce that purchase-money are excluded, I apprehend, by the words of the Act; it is the purchase-money or the value of that property. It is totally different to what has been the subject of great development in America, because the United States Constitution contains the words that no citizens' property shall be taken without just compensation; and when you have arrived at the purchase-money payable for the property, then comes in for consideration the benefits conferred by way of set-off, and it has given rise to a great number of decisions; and ultimately the

Chairman—continued.

settled law of the United States by the Supreme Courts is that the meaning of "just compensation" is just to the public as well as to the owner, and that in making out your compensation you put down the purchase-money, you put down the benefits derived on the other side, and the balance is the "just compensation" that ought to be paid. That is the principle which is recognised in the Floods Act; it is recognised in the Housing of the Poor Act; and it is recognised in the Irish County Cess Act of 1836, from which your Lordship will find an extract at page 16 of the Precedents: "The jury which shall try such traverse shall be sworn true verdict to give whether any and what damages will occur thereby to the traverser, taking into consideration any collateral advantages which may result or accrue to such traverser by reason thereof and making abatement accordingly." So that as early as 1836 benefits accrued were set off as against compensation, in order to arrive at the "just compensation" which ought to be paid. (Our Lands Clauses Consolidation Act, of course, does not use the word "just.") A whole system or code of accompanying rules to run with those provisions has been laid down; the rules are perfectly well ascertained and are fully written upon by Mill on Eminent Domain, which is the great authority on this subject; the rules do not allow the benefits to exceed the purchase-money payable; so that you could not, as was attempted in a case in Australia, turn the owner of a property, whose property was taken into a debtor, and bring out a balance of benefits in excess of the purchase-money that was payable to him.

1226. What rules do you refer to?—The rules laid down by the American Courts upon this question.

1227. I thought you meant some particular code?—There was a code.

1228. You mean the principles derived from the American decisions?—Yes, I was alluding to a case from Australia, which went to the Privy Council, where there was an attempt made by the local authority to construe the Act in such a way that the taking of a railway to a man's lands so benefited his property that the result would be that after you had taken the amount of the purchase-money the benefits conferred were in excess of the purchase-money. The Privy Council, of course, said that was not so.

1229. Surely we need not say "of course," because logically the Australian view, I should have thought, was the more correct one. However, you laid down the arbitrary rule that it must not exceed the purchase-money?—I think that is the result of well-considered decisions.

1230. It is a conceivable case, is it not, that a man might be more benefited than the amount of the purchase-money?—It is conceivable.

1231. Then the Australian view had a logical correctness?—It is quite possible; but these observations which I have been making are in answer to your Lordship's query as to the setting-off of benefits. That is quite a separate branch altogether.

Chairman—continued.

1232. Yes, I quite follow what you are referring to?—That code has now become practically the judicial code, I believe, in America, and is settled law. A very great number of questions which do not affect this point of view have arisen, because it was first alleged in America that you could not do it on account of the written words "just compensation" in the constitution of the United States.

1233. It was originally supposed that there was an inequality which was forbidden by the constitution?—Yes, and that therefore it would not be "just compensation" within the words of the constitution. There were several of those sorts of cases, which I presume it is not necessary to trouble your Lordships with.

1234. I do not think we need go into them?—I do not trouble your Lordships with them because the conditions as to applying the principle of betterment have given rise to a great variety of considerations. There was an attempt in the State of Ohio to allow property to be improved according to one of these rules; either according to the frontage, or according to the assessed valuation, or according to the benefit received, according as the municipal council may determine. That is at work now in Ohio, and they may adopt either one or other of those systems. In Chicago each lot has to pay for what it specially got; and the rest of the cost is to be paid by the public. That is more the principle that is advocated in the various Bills that we propose. Now I propose to make one or two observations on the principle, and then proceed to the recoupment question. Perhaps your Lordship would like me to deal with it in that order with a view to showing with the aid of some figures, which I shall be able to lay before your Lordships, what is the practical result of the application of recoupment. Betterment does not involve any departure from the existing methods of valuation, assessment, or taxation in the metropolis. It has no reference to the valuation book or the Valuation Act; it involves an inquiry into, and a reducing into pounds, shillings, and pence the special benefit conferred. Take the case of a factory burnt down, by the side of which a new street is to go, the problem is, how in that case would the special benefit be ascertained? By estimating what probable price it would fetch now in the market, having regard to the improved value given to it by the new street. That special benefit would be a benefit or sum added to its former value; it is not assessing or taxing the premises, or capital values, but it is an intercepting, a mode of gathering to the public a portion of that capital value so added to the property by public outlay. Even if it were a charge on capital values it would be only in consonance with the existing system under which capital values other than the freehold are now absolutely taxed in the metropolis; because as regards every leasehold interest, or every interest less than the absolute fee, although the ground rent may be a peppercorn, the whole property, the interest being leasehold, pays at the present moment probate duties on capital value, and those

Chairman—continued.

those duties, together with the excise and licenses, are paid back by the collecting medium, the Government, to the local authorities. Now, in this last year there was paid over to the council 620,000*l.*, the bulk of which came from probate. That is apportioned, and the apportionment is arrived at with reference to the amount, having regard to the rest of the country and other places. But by reason of our leasehold system, and our leasehold being in law regarded as personalty, it is really, in fact, a mere mode of collection, and paying it through the Imperial taxation, redistributed back again to the local authorities, and is in substance in the end a taxation upon the capital value of every leasehold that is existing in this metropolis. Then, my Lord, I have stated that the inquiry under the betterment proposals is directed to ascertain to what extent the property has been specially benefited. When you come to ascertain to what amount it has been benefited, every valuer, or at all events most of them, as I know from experience, and from their statements, goes through a mental process of valuing the land separately from the building. We had an inquiry before the council just before the introduction of the Strand Bill, and on that occasion a very eminent surveyor (Mr. Robert Vigers) told us that there was no practical difficulty in valuing the land and the buildings. He said: "It has been my practice to do so; in arriving first of all at the gross value, and then at a fair and proper rateable value, of course according to the district, and according to the class of building, it has always been my practice to arrive at the value of the land and then at the value of the building. You will see the reason for that; land may be always altering in value; buildings not. If a building is suitable for its position it is simply bricks and mortar; and the whole difference, or rather the chief difference in value depends on whether the building is in one place or another." "With all important public buildings I always make it a rule, in giving my evidence before an assessment committee or before the sessions, to show how I make up my valuation, first starting with the land, and then the building, making up what the fair rental value of such a building would be. If there were any extravagance in the building, any unnecessary carving or decoration which, in my opinion, did not add to the rateable value, then, of course, I should not include those things, but include what I consider is a suitable building for the site. When the land upon which St. Thomas's Hospital is built was bought, it was subject to floods and was on a very low level indeed. A very large sum of money was spent, in the first instance, in raising it up to the level of the surroundings. The cost, added to what was paid for the land, did not fairly represent the value, but was far beyond it. So in fixing the value for the parish of Lambeth, I said, 'Now this site is worth, not what it cost, but so much,' and I charged interest upon the value. Then in going over the building I thought it was a most extravagant building and a very large outlay which did not represent rental value. I cannot quite remember what it had cost, but a very large sum per foot cube; and I reduced it to something

Chairman—continued.

like 6*d.* per foot cube, which I thought would have been a sufficient building for such an establishment, and interest upon that sum I put as the rateable value. And, I think, in dealing with large properties you cannot do better than first arrive at the land value and then the buildings."

Earl of *Onslow.*

1235. Who was it who was then giving evidence?—Mr. Robert Vigers.

Chairman.

1236. With regard to what was that evidence given?—We had an inquiry in 1889 as to the taxation of land in the metropolis, and a Committee was appointed by the London County Council, a large Committee from all sides, and evidence was taken by that Committee on that subject.

1236*. With regard to the rating of metropolitan buildings, I suppose?—Yes; I was only citing that evidence as showing the position in which, when we approached the Strand question in 1889, we had before us (quite apart from the evidence of our own experts and our own officers) this evidence from a person in Mr. Robert Vigers' position, a very eminent one, I believe, as to the process which he as a valuer went through in order to arrive at the value of property. He valued the land first, and then saw what the land would carry in the form of buildings, and then mentally put them together.

1237. Is it within your experience that land is so treated separately from the buildings on it in valuing large properties?—I understand that is the practice; I speak from my own experience, such as it is.

1238. Have you never heard surveyors say that when they are dealing with a large landed property they never put any value on the mansion house?—Quite so.

1239. That is a very common thing for a surveyor to say, is it not?—Very common.

Marquess of *Salisbury.*

1240. I understand the value Mr. Vigers puts upon the house is for a theoretical house, and not for the actual house there, because he estimates by the house that ought to be there?—I think not, because he says in valuing for the assessment for Lambeth he took the instance of St. Thomas's Hospital, which is actually in Lambeth, and he took the houses we see opposite there, and valued it in that way.

1241. But he did not value the house that we see there, but the house he thought ought to be there. He thought that that building was too extravagant?—He thought it was extravagant, but he was bound to value and ascertain what is the value of the existing building to get at its worth to be let to a tenant; and he would say, I presume, With a thing of this ornamental value you get no more rent for it than you would for a building with less ornament.

 1242. That

Chairman.

1242. That is what the noble Marquess suggested. It is not the building *talem qualem*, but a building that would be appropriate for the purpose for which it is being used, and for which a tenant might be found?—Yes; but as I understand Mr. Vigers' statement it is, that in the actual case of valuing that property under the Valuation Act for the purposes of the parochial assessment committee in Lambeth, he proceeded upon that particular process of valuing as regards the particular building opposite.

Marquess of *Salisbury.*

1243. Yes; but what he did was not to value that particular building opposite, but to value a building in his own mind which was constructed at a cost of 6*d.* per foot cube?—I should hardly have thought that.

Chairman.

1244. I understand Mr. Vigers will be here, and probably he is his own best exponent; but I certainly should have so understood it?—Mr. Vigers will be able to explain what the process is. Now in the assessment, in ascertaining any special value or enhanced value derived from any improvement under the betterment clause, the valuer would undoubtedly disregard or take off or deduct the amount between the gross and net on the rateable value. He therefore would not arrive at so many years' purchase of the gross but of the net; that is to say, that assuming he found the property was increased one hundred pounds a year which in the parish would be worth, say, ninety-two pounds net, he would capitalise mentally the ninety-two pounds net in order to arrive at the improvement. That being so, having taken off the amount of taxation in addition to the betterment, assuming that a betterment value is added, it does not follow in any way that either the property in paying the increased rateable value pays twice over on the same matter, or is, by the process of the application of taxation, taxed more than the benefit which the man is left in receipt of. That has been urged very often as an objection to this process of assessment, that is to say, that you are assessing the property twice over, and that you get the assessment increased by reason of the improvement on the valuation list; you first pay it to the local authority, and then you pay to the central authority a portion of that enhanced value, so that you are really in fact paying twice over. When that is illustrated by an actual case, it is found that that is not the result; and I would ask your Lordships to let me present a concrete example of that. Take an existing value at 100*l.* a year, the rateable value at 92*l.*, the rates and taxes at 6*s.* in the pound; the taxation would be 27*l.* 10*s.* Assuming the property is enhanced in value another 100*l.* a year, that will double the taxation and make the taxation 55*l.*, and it would then stand in this way: existing value 200*l.* a year; rateable value 184*l.*; taxation 55*l.* Now on these assumptions the 100*l.* a year is arrived at by the valuer, first of all after he has thrown away and eliminated the question of taxes, and if the 100*l.* was an ordinary property, say, at 20 years' purchase, that would be worth 2,000*l.* Half of that improved value, or 1,000*l.*, would be charged on the property under the proposed clauses, and that the man could either pay off, or if he did not pay it off, he has to pay 3 per cent., or an extra 30*l.* a year. Now with the present rental at 100*l.*, future rental at 200*l.* less the assessment to the central authority of 30*l.*, he gets altogether 170*l.* in his pocket, as against 100*l.* in former times; because out of the gross improved value of 200*l.* he has paid 30*l.* and 30*l.* only to the central authority; and therefore he has got 170*l.* in his pocket. He was formerly only rated at 100*l.*; he has got, therefore, 70*l.* in his pocket, 70*l.* in value, to meet the extra taxation. The extra taxation on the improved 100*l.* is 27*l.* 10*s.*; so that he is left in possession of something like 40*l* a year after all, because the enhanced value which is added to the existing value is greater than any amount of taxation which he pays either to the central authority or to the local authority.

Earl of *Onslow.*

1245. What do you put the rates at?—The rates and taxes I put at six shillings in the £.

Chairman.

1246. I do not quite follow it, myself. I dare say you will explain it to me; but taking hypothetical figures and proportionate rates and proportionate profits, I suppose you could make it prove anything. However, I suppose what is pressed against you is that possibly you may have the improvement rate increased over what is the actual money value of the thing that the man has got; if he is the tenant he has got to pay it himself, or if he is the landlord it comes to the same thing, because it would be in diminution of the rent paid to him; so that he will have to pay either mediately or immediately the enhanced rate for the increased value of his house, and he will also have to pay the special rate for the increased value of his house. That is how it is put; but I admit if you choose to take a number of figures capriciously you can make a proposition prove anything?—With deference, I think that hardly applies to this case, because the enhanced value is only the actual *de facto* value ascertained in the usual way by valuation of the addition; and in every case that addition which merges itself into the rating to a certain extent will necessarily leave a balance after the man has yielded up the half, because he only gives up a half, and the other 50 per cent. always remains and enures to his benefit on the property, and is in excess of any taxation.

Lord *Zouche.*

1247. That is always supposing you capitalise the half of the improved value at the same number of years' purchase?—It is, more or less.

1248. How many years' purchase would you take?—I was taking the ordinary case of 20 years.

1249. Would you always have that?—No, you may have more; but if you put it at 25 years

Lord *Zouche*—continued.

years it works out at the same thing, and must do so, because the margin on the enhanced value of 50 per cent. which you leave on the property in the hands of the owner is more than what he has to pay upon the rateable value in respect of the extra local taxation. Of course, if it is assumed that the so-called enhanced value is not really enhanced value, that is a different question; but assuming there is an enhanced value, then the result must work out according to the figures I have given to your Lordships.

Lord *Belper.*

1250. You assume that 50 per cent. is taken as the principle upon which the betterment is worked out?—Yes; in all the proposals that have been made hitherto the scheme has been that only one-half is to be paid to the central authority; the other half is allowed to be the margin to provide for error in calculation, not taking the entirety out of the pocket of the owner, but leaving something that must in any case be a small balance.

1251. The reason I mentioned it was because I understood from Mr. Fletcher Moulton that he did not take the 50 per cent. as a matter of principle; he only took it as a tentative amount that might be added to very much in future schemes?—I quite appreciate Mr. Fletcher Moulton's view, and I have no doubt that if this principle were recognised, and were in work, in subsequent years, when we have had practical application of it, it might be found that 50 per cent. leaves, as Mr. Fletcher Moulton says, in the hands of the owner too large a sum; and in the course of the private Bill legislation (by which these things are being continually altered) it would grow up to the whole.

1252. If you desert your principle your calculation would not still hold good?—It would be a question of quantum, it would hold good up to a point.

Marquess of *Salisbury.*

1253. You said it would "grow up to the whole." Mr. Fletcher Moulton only went as far as 75 per cent., you go further than that?—No, I am content to accept the principle as hitherto put forward. In the laws of New York they have limited it by statute to half. I find in the text-books relating to the subject in American law, that they recommend the limit of a half on the whole, because of the desirability of allowing for a margin, and they think that 50 per cent. is the proper footing; and the 50 per cent. in the Strand Bill case was governed and was taken from the American Statute which we had before us at the time. What may be the future course of legislation I cannot say. We know that in the course of Private Bill legislation these things have altered from time to time, as for instance in the case of the Lands Clauses Consolidation Act; and as time has gone on there have been modifications of general principle of that sort. I can therefore quite understand Mr. Fletcher Moulton's anticipating that such a change might arrive at a date earlier than I myself might anticipate.

1254. But you do not necessarily associate

Marquess of *Salisbury*—continued.

yourself with his desire that it should rise to 75 per cent.?—In regard to the present legislation I am content to accept the margin as put forward in the three Bills which we have always put forward, limiting the amount to half. Now, my Lord, I pass to the subject of recoupment, and on that I would desire first to say this, only in language much more appropriate than I can use, namely, the language which Mr. Pope, the counsel, used in the case of the Cromwell Road Bridge, that the principle of recoupment involves also the question of betterment. It is the same principle, or at least the underlying principle is the same in both cases.

Chairman.

1255. May I suggest to you, in order that you may deal with it, the plain distinction. In one case the operating authority has taken the property at its own risk, and in the other case places it on somebody else?—Yes, if you consider enhanced value means ascertained as a matter of value so far as value can be ascertained by any means that are existing is a matter of risk; because, of course, if the enhanced value is value ascertained by the opinion of what the prospects of future dealings would amount to, which is discounted by both vendor and purchaser in the market, then if that is an improved value and is admitted to be enhanced value, that enhanced value (whether it is chosen to be realised or not is another thing) could, in fact, be realised in the market.

1256. Is there not a little fallacy about that? I quite agree with you that the value is the amount which the thing will sell for at the time; I quite follow that, and everybody who wants to buy will probably consider future contingencies as forming one of the elements of his judgment, whether he buys or not, and the seller likewise in his view; but that seems to assume that land or houses, or what not, are always capable of being sold. They are not?—Whether it is capable of being sold or realised, that is all taken into consideration as far as I understand by the process of valuing.

1257. Surely not. A valuer says what this would sell for, but he does not mean by that, that that is to a purchaser in the market to-morrow. He assumes a willing purchaser and a willing seller, and then he says if the willing purchaser and the willing seller meet together, probably the price that they would both agree upon with reference to the value of this thing is so-and-so. but he does not mean by that to affirm as to that one house, much more for 50 houses in a row, that it is capable of being sold next week?—No, my Lord. I do not suppose a sale or the power of finding a purchaser is necessarily a matter of certainty, but it is calculated and taken into consideration in assessing the value.

1258. I do not want to appear to differ with you, but the words "taken into consideration" have to my mind no meaning whatever. I do not know what is meant by that. "Taken into consideration" is a convenient form of phrase, but it appears to me to muffle up nothing?—Of course, I cannot argue the question as to what

Chairman—continued.

is the mental operation which valuers go through. I can only give my practical experience.

1259. That is just what I mean; if you give me your practical experience I will accept it with pleasure?—I have never found any difficulty in valuers and experts valuing any properties put before them, and I have had remarkable instances of that.

Marquess of *Salisbury.*

1260. That speaks more for their courage than their accuracy?—I have had a surveyor assess the value of a thing of this kind, if I might mention an instance which is occurring to my mind in which I was engaged professionally. That was the case of a statutory cemetery company having land dedicated only for the purpose of burials. A portion of the consecrated land was taken away for the purpose of a sewage farm by the local sanitary authority, and the question which had to be settled in the ordinary way was what compensation for the land so taken, subject to that statutory user, was to be paid. A very eminent surveyor, Mr. Ryde, who is now dead, found a means of solving that difficulty, and Mr. Oakley, who was an equally eminent surveyor, sitting as arbitrator, found a similar solution in his award. There was a variety of evidence given by different surveyors upon even that question, but they found the solution. They had to find it and they did find it.

Chairman.

1261. Your first proposition rather weakens the next. You say they had to do it and they did it. That does not verify the accuracy of it?—Then I was venturing to ask your Lordship to allow me to express what the principle of recoupment is in the language of Mr. Pope, who was our counsel in the Cromwell-road Bridge case, and he puts it concisely and I think in better language than I can use.

1262. If you make it your own I have no objection, otherwise I think it is rather going beyond even our limits to quote somebody else's language, when that somebody else is counsel advising on a particular scheme. If you make it your own it will be different?—I will make it my own language. I merely put it as being expressed in better language than perhaps I should be able to use: "What was the principle of recoupment, as we now call it, that is authorising the public authority to take more land than was necessary for the improvement, in order to recoup the cost by the sale of the improved frontages which it created? What principle was it which lay at the basis of that legislation? There was a peculiarity which made it inequitable, I do not talk of its being unprofitable, that I will deal with in a moment. But what principle lay at the basis? Surely this, that the improved value given to the neighbouring property by the improvement should not pass into the pockets of the owners of that neighbouring property, but should be made available in the reduction of the cost of the improvement itself. 'Recoupment' simply means that more land is taken than is necessary for the purposes of the improvement; that the improved benefit which

Chairman—continued.

is created, or the improvement of any kind which is created by the money and a public authority, shall be taken by the public authority in aid of the cost of the improvement. And observe, it is the whole benefit that is taken out of the pockets, not of all the parties benefited, but out of the pockets of the adjoining landowners whose land is compulsorily taken, and who are prevented from deriving a benefit from the improvement of the adjoining land. That has been the prevailing system since 1877." Now that in my language, if I may venture to adopt it as my language, expresses the view that in recoupment you are really acting upon what I venture to think is not an equitable principle, because you are taking away and securing to the public authority the whole of that enhanced value, not leaving a margin of any sort in the hands of the owner whose property is taken away. My Lord, of course we know the way in which that system grew up of recoupment, as I have explained. In London we had Michael Angelo Taylor's Act, which up to comparatively modern years it was supposed authorised the taking not only of the portion of the property required for the site of the street and works, but enabled you to take a margin as well for recoupment. It gradually came to be interpreted by the courts that the Act of Michael Angelo Taylor was limited simply to the actual area and site of the street, and in fact gave all the benefit, if any, provided under that Act to the adjoining owners. Then, as that gradually grew up there was with it this other system practised in London under the Metropolis Local Management Act of 1855, of improvements partly carried out under contribution by the local authority, and the work executed by the central authority, they doing the rest of the work at their cost. So that by that system of contribution a proportion of the cost was thrown on the central authority and the general rate. The rest of it was allocated to the locality, and the locality was the unit of the District Board or parish performing the work. In that way there were a considerable number of improvements carried out by and during the time of the late Metropolitan Board of Works. That system was about as inequitable a system as could possibly be conceived. There are some cartoons before your Lordships which would illustrate that in a moment. Cartoon No. 7 represents Lambeth, and down at the bottom, where No. 7 and the ring is marked, that particular improvement was carried out on this principle. It happened to be in the parish of Lambeth. The parish of Lambeth is large, and extends for a distance of six miles up as far as the river, and under that system that particular improvement was carried out by the contribution from the local authority, and by the balance being contributed by the central authority. All ratepayers paid the central rate, but the poor unfortunate persons in Lambeth parish, although they lived six miles away from the locality where the improvement was carried out, paid their proportion of that contribution which was left to be paid by the parish of Lambeth of that particular improvement, and those nearest, just outside the parish, paid nothing.

1263. What

Chairman—continued.

1263. What was the improvement?—It was a street improvement.

1264. I daresay you can tell me this at once, was it an improvement which was likely to add to the value of the parish as a whole by way of making a large thoroughfare through it, or something of that sort?—Certainly not, and more than that, the persons who were just outside it got the benefit, and all property on the uncoloured portion which was near made no extra contribution than ordinary ratepayers at any other part of the parish, while the property happening to be situated in the parish of Lambeth, six miles away, was called on for a special contribution. Then there are other cases. Take the case of the parish of Paddington or Kensington, which is No. 4. Kensington is a good illustration. No. 4 was the case of a bridge which was carried out on the same principle. There the ratepayers of Kensington, down as far as Chelsea, contributed to the meeting of that expense simply because they happened to be in the parish of Kensington.

1265. What was the improvement there?—A bridge, my Lord.

1266. Over the Thames?—No, over the canal. It was the formation of a bridge over the Grand Junction Canal at Plough Lane, Kensington, at an estimated cost of 10,524*l.* The contribution by the Metropolitan Board was 5,260*l.*, so that every ratepayer contributed his proportion of the 5,260*l.*, but in addition to that the ratepayer 3½ miles from the locality of the site contributed his quota of 5,260*l.*, which was contributed by the parish of Kensington to that particular work.

1267. What was the means of access between both sides of the canal before, because that might have some reference, I suppose, to the value of the whole of the parish?—I can hardly think so, my Lord.

1268. I do not say it was so. I say it might be?—As a matter of fact, there were two bridges close by, and if your Lordship will notice at the top of No. 4, there is a considerable amount of property there, just opposite to that bridge, which contributes nothing.

1269. That would be probably an argument against the parochial divisions?—The canal bridge was there, and persons paid their quota more than the ordinary contribution that all ratepayers paid. The inhabitants down here were taxed for the construction of this bridge, whilst the persons getting the benefit, at all events, if there was a benefit in the neighbourhood, contributed nothing over and beyond the amount which all the other ratepayers contributed.

Lord *Belper*.

1270. Were the parishes on the other side not contributing?—No, the houses on the other side contributed nothing, and those opposite the Cromwell Exhibition-road contributed to the cost of a building which those in this district never contributed to at all.

1271. In the case of a parish contributing it is a matter of arrangement between them and the London County Council?—Yes.

1272. You cannot make them contribute unless they are willing?—No, my Lord. This was an improvement which was carried out under the

Lord *Belper*—continued.

section of the Act which allows the central authority to carry out street and other improvements upon the principle of the local authority contributing. Then I have a number of other instances. The widening of Carey-street was another singular illustration of the utter inequity of that system. Carey-street happened to be in the Strand division. Now the Strand division includes the detached parish of Soho, up in Oxford-street, and is not joined to the Strand division. There is an intermediate division between it, and in that case 15,000*l.* was the cost. The Board of Works contributed 5,000*l.*, and 10,000*l.* was distributed rateably over all the rated houses in the parish irrespective of the situation. So that, in point of fact, a gentleman living in Oxford-street, at the north side of Soho-square, had to contribute to that 10,000*l.*, whilst a man in the intermediate street, because he was not in the Strand division, did not contribute, and those on the opposite side of Chancery-lane, where Carey-street was carried out, contributed nothing.

Lord *Farrer*.

1273. You do not object altogether to the principle that parishes should contribute something and the central body something?—Yes.

1274. Altogether?—Yes.

1275. It is what is happening in the council every day?—And I object to it because we cannot carry out in any other way what are called local improvements, and I object to it seriously, because I think the unit of the parish which has an accidental geographical position having no relation whatsoever to the benefit conferred by the work is the wrong unit for the purpose of settling the question of contribution.

1276. Your argument is that it is unfair to throw the cost of these local improvements on the whole of London, is not it?—That I clearly agree with.

1277. That is your argument for betterment. Then if you get a small area and that small area is likely to be more improved than the whole of London, is not it fairer that that small area, especially when it presses as it so often does for the improvement, should pay a larger share than the rest of London?—Yes; but not the area defined by the unit of the parish or district board. The unit ought to be the unit which derives the special benefit.

Marquess of *Salisbury*.

1278. Have you ever with reference to improvements that have already been carried out, an actual and ascertained improvement, tried to draw a line so that you might have some idea of what the actual area is that has the distributive benefit geographically of any improvement?—I could not answer that question because there has been no calculation made, and we have not had it taken out. It would be impossible almost at this date to take it out. The exact benefit, if I may so express myself, is the extent of the ripple caused by the improvement.

1279. Then you assume the motion to be entirely radiating?—Not necessarily, my Lord. It is impossible until you have actually executed the work to ascertain in what particular direction

Marquess of *Salisbury*—continued.

or to what particular property the enhancement will attach.

1280. Would it not then be wise to defer the valuation until after the work is executed?—That is one of our fundamental proposals.

1281. You have not got it in your Bill?—We have drawn throughout in all these Bills a marked distinction between the error of the American system and those Acts which assume an enhanced assessment value and direct the apportionment of that value. That is a system we have always said is erroneous. We have said over and over again that it can only be ascertained after the work is executed, after it is seen by practical experience what its operation is, and we have in consequence been compelled, and have been objected to for doing so, to draw our line, and the line not of assessment but the line within which inquiry ought to go. The objections to the Strand case and all those other similar cases has been that we have gone on too large an area. We say you cannot tell what the operation is. I can imagine perfectly well, from my practical experience and knowledge of property in London, that by the opening of this new Tower Bridge it is quite possible you may extend warehouse property from the north side, and might, in consequence, bring into the market land which would be sought after for the building of warehouses on the south side, because the Tower Bridge would bring it within a short distance of the docks. It is impossible to say before you execute the improvement whether the land along that improvement would be sought after by intending purchasers for any such purpose as that, or not; but if after opening the bridge you found that there was a tendency for persons to come and build warehouses because they would be within a reasonable distance of the docks, then that would show there was an enhancement, but until you have seen whether that is the actual case or not, you cannot ascertain whether there is any enhanced value.

1282. I quite appreciate the value of the considerations on which you have been dwelling; but can you tell me in what part of the 37th Clause of the Tower Bridge Southern Approach Bill you provide that the assessment shall not take place till after the improvement is completed, because I have been unable to find it. The only words are that, "The Council shall as soon as conveniently may be (but not later than seven years after the passing of this Act) cause to be framed an assessment describing the lands situate within the said limits and described in the said valuation which the Council allege ought to bear and pay the said improvement charge." There is nothing to provide that this machinery shall not be set in motion before the completion of the improvement, and you will observe in the second sub-section it contemplates the operation should commence at least two months before the improvement is commenced?—That is only the valuation that the Committee of the House of Commons required should be made and has nothing to do with the assessment.

Chairman.

1283. That is, so far as we understand it, a sort of starting point which the future valuers are to take as the ascertained value at that time before the improvement was begun?—It was a Clause put in by the Committee to meet an objection that was urged by the opponents. We only asked for the *de facto* enhanced value because it would be foolish to assume that you could ascertain that before the work was executed, and therefore we take seven years' time from the date of the Act for the purpose of carrying out that fair assessment. The objection urged was that if you are going to proceed in that way the evidence may be lost of the value that it is now and at the end of the seven years, and the opponents, on the very ground that the assessment was not to be made for a very lengthy period of time, insisted that they ought to have a valuation of this kind.

1283.* Just so, as a starting point?—Yes.

Earl of *Onslow.*

1284. Surely that clause was in your Bill before?—No, my Lord.

1285. This paper was handed in by Mr. Cripps, containing the words: "The Council shall, as soon as conveniently may be (but not later than seven years after the passing of this Act) cause to be framed an assessment describing such of the land"?—That was the Amended Bill.

Lord *Thring.*

1286. Do you mean to contend that a community called a parish or a community called a town may not consent to make improvements because those improvements do not benefit every individual in the town or parish?—No, I never contended that.

1287. You told the Committee that in this particular case of Chelsea the parish ought not to contribute to the improvement, because it only benefited part of Chelsea?—No, my Lord. What I meant to convey, and if my language did not express it, I am sorry, was that the unit over which you distributed the contribution ought not to be the parish unit.

1288. Why not. Surely all local improvements depend on that?—No, my Lord, with deference I do not think every person is necessarily interested in a local improvement simply because he happens to be in the local district of the parish.

1289. Surely he is. A parish wants a sanitary improvement that drains the parish, and it occurs every day in every parish and county in England. The parish is liable to pay for the whole improvement, and justly liable, I should say, if it does not benefit every person in the parish. I drain my own house, but that is no reason why I should not contribute to the drainage of the parish?—That I venture to suggest is wholly inapplicable to the metropolis, which is one mass of houses divided according to units of parishes, and the unit for the purpose of distributing the special cost over and beyond any general cost ought not to be according to the parish.

1290. You

Lord *Thring*—continued.

1290. You confine your observations only to the Metropolis?—Entirely so.

Lord *Farrer.*

1291. In the Metropolis is not it the case almost every week that a parish comes and says, "We want to make a special improvement, clear a certain area or make a certain street; we will pay half the expense as a parish improvement if you will pay the other half as a metropolitan improvement"?—Yes.

1292. Is not that constantly done?—We cannot do it any other way.

1293. Would you prevent the parish from doing that?—I would alter the law. My objection is to the law which distributes and compels the expenditure to be distributed parochially irrespective of the benefit and solely with reference to the district or parish.

Chairman.

1294. I think the view would be rather that the whole geographical division of parishes is inappropriate to our present state, at least to the local rates that are being from time to time levied?—No, my Lord, is inappropriate for the unit to ascertain and to divide the cost of great street improvements.

1295. Would you confine it to great street improvements?—All great improvements. I am not particular about the word "street."

Lord *Thring.*

1296. All the improvements?—Yes.

1297. Drainage, for instance?—Drainage is one equal rate.

Lord *Farrer.*

1298. Main drainage?—Yes.

Lord *Thring.*

1299. But take the case of the drainage of a parish in London, do you say that the parish of Chelsea would not be justly asked to contribute to make a local drain which is required for the health of a portion of the inhabitants. Do I understand that to be your meaning?—No, because the local drainage is made entirely at the cost of the locality. That is quite right.

1300. It does not benefit me or you, who do not live near the drain?—But you are in that local unit for all purposes of the expenditure of that unit.

1301. That is what I am asking you. Surely the fact of living within a certain local area must necessarily impose certain local obligations on you, whether you like it or not?—That is not the observation I am addressing my attention to at all. I say that when you come to a mixed improvement in which the locality is not carrying it out, but gets a contribution from a third body—the central body—then I say that to assess under those circumstances the central body, by a general rate, plus the locality according to that unit, is a bad system.

Lord *Belper.*

1302. You go so far as saying that if you get the principle of betterment introduced you must do away with the contribution from the local authority?—No. This is a separate subject entirely from betterment.

1303. It is not separate. It occurs to me that the two things may go on side by side. It may be that you may have a contribution from a small local body and the central body, and at the same time that the particular people benefited pay a larger amount than the small local body. Surely the three payments may go on together?—They might, no doubt.

Chairman.

1304. In order to meet your view of what would be a proper assessment, as I understand you, you would alter the law at present for the contribution of a parish in the case in which the remote inhabitants not benefiting by the street improvement, and establish areas which in your judgment might be more appropriately made to pay for the local improvement?—Some other system, not necessarily area.

1305. I am not saying it is right; but that is your view?—That is my view. My view is that if works are undertaken in the Metropolis by the central authority, that is on the admission that they are central for all purposes, and are general, and, therefore, if they are done by the central body of the entire city, that central body ought and does now throw it over the general common rate; but if you proceed by a principle on which certain classes of things are not central, and are not for the benefit of the whole of London, but London is only benefited partially, and to a great extent in a locality, then when you get a mixed fund, and a set of contributions under that mixed state of circumstances, and mixed considerations, you ought not to adopt the unit of parishes.

Lord *Belper.*

1306. I was going to ask whether in the Bill before Parliament you propose that the central authority should pay a certain amount. You propose to have a betterment area, in which those specially benefited pay a certain amount; do you propose that the parish as a parish should contribute?—No, nothing.

1307. You leave them out?—I leave them out.

Chairman.

1308. If I understand you rightly you repudiate having made a betterment area. All you say is you have an area from which you exclude other people, but it is not to be a betterment area in the sense in which it has been understood?—No.

1309. You think each person ought himself to have a right to challenge the improvement rate?—Certainly; I did not question my Lord's phraseology.

Lord *Farrer.*

1310. The localisation of benefit is a matter of degree, is it not?—Certainly.

1311. So that a particular improvement may

Lord *Farrer*—continued.

benefit a particular person, or a particular set of persons, or a particular area, or the whole of the Metropolis?—Certainly.

Chairman.

1312. In your view the problem of affixing a proper betterment rate is to be ascertained in each particular case by a particular assessment?—My Lord, betterment has nothing to do with cost.

1313. I am talking about the rate, not the cost?—The assessment for betterment is for the benefit added to particular properties.

1314. That I understand. I am afraid you do not appreciate what I am upon. I thought I had understood you before to say that in your judgment each person whose house or land is sought to be affected by a betterment rate, ought to have the opportunity of challenging it, and denying that that is so?—Certainly.

Marquess of *Salisbury.*

1315. On your principle that betterment has nothing to do with cost, would you accept the view that if it should turn out that the improvement when executed, was executed for a less cost than the benefits which were leviable on the premises around, the County Council should have the advantage of the difference?—I think so; certainly in the present state of things. I cannot conceive, except in some small cases, any street improvement which might be undertaken by a central authority, or any other improvement which might be undertaken by a central authority, could under any conceivable state of circumstances ever be met or executed out of that part of the amount of the enhanced values added up altogether derivable from carrying out that particular improvement. Take the case here of the Tower Bridge. The cost of that is about 400,000*l.* It is no solution of that to say you can get 20,000*l.* or 100,000*l.*; or if I put even 50,000*l.* for betterment. It is 50,000*l.* to 420,000*l.*

Chairman.

1316. That would not be a bad illustration if you would tell us whether you have formed any judgment in the event of the Act passing and being operative, what contribution you would get from a betterment rate?—It depends a great deal on the nature of the improvement. I could put my hand upon a very large improvement which would cost a great deal of money, which would bring in upwards of 100,000*l.* for betterment.

1317. I am speaking of this particular case of the Tower Bridge?—No. I do not think that in the case of the Tower Bridge, as far as I am informed by those who have surveyed the property and been over it, that the betterment in this particular case would be large.

1318. Have you formed any judgment. You know what the estimated cost is?—I know what the evidence was. The evidence was that they estimated it would be about 10,000*l.* or 15,000*l.* It is small.

Earl of *Onslow.*

1319. Is that the total amount or the half?—The total. Roughly they have talked about the half, and that it might go to 10,000*l.*, but then there is a special reason in this particular case, because there is not a bit of property in this area but which would under the most ordinary street improvement, quite apart from recoupment, have been scheduled.

1320. Would the 10,000*l.* which you speak of include or exclude property?—That would include what would remain.

Lord *Hobhouse.*

1321. In this particular case you have confined yourself to the limits of deviation?—Strictly.

1322. Which means the limits of the engineering deviation?—It is the limits of deviation in an engineering sense.

1323. You have confined yourself to those?—Yes.

1324. Therefore you take a very small area for betterment?—The smallest.

1325. That would account partly, I suppose, for the very small amount of receipt that you expect?—Yes. One of the great objections urged before the Committee of the other House was that the area was not big enough, and that those whose property would be enhanced were left out.

1326. I believe I am right in saying that the limits of deviation are engineering limits?—In this particular case.

1327. Therefore, as regards betterment these are exceedingly small limits?—Absolutely small.

Earl of *Onslow.*

1328. Your line of betterment area was formed on the basis of exclusion; that is to say, that in the opinion of the County Council the property outside that line would not be benefited?—No.

1329. Was not that so?—No.

Chairman.

1330. I have understood your evidence throughout that that was so?—That was so in a general way; but with reference to this particular street the history of it was this: There was a Bill deposited in 1892 for the last Session of 1893 for three or four street improvements and a ferry improvement, and in the other cases there was a very large margin upon which the limits of deviation were drawn, and not on what you may call engineering lines. But in the case of the Tower Bridge that particular street improvement was based practically on the engineering limits. Then the Money Bill falling through on Standing Orders in the House of Commons, under which those improvements were to be paid for, there was excised from the Bill everything else but the Tower Bridge Improvement which in that particular street was limited by accident to the engineering limits.

1331. You say by accident, would you explain that, because I do not understand it?—It was considered

Chairman—continued.

considered that the Tower Bridge was a very pressing and urgent improvement, and, therefore, after consideration it was determined that in that particular case it should be limited to the very narrowest limits that we could have to get the thing through.

1332. You used the phrase "by accident"?—It was in that way. I should have said it was by accident that that particular street improvement survived all the other five or six street improvements which were embodied in one and the same Bill.

Earl of *Onslow.*

1333. I understood from Mr. Fletcher Moulton that the policy of the County Council in drawing this line and forming this arbitrary area was to draw a line of exclusion outside of which in their opinion there would be no property that would be benefited?—No.

1334. That, we understand, is the case in some of your areas, but not in the particular one contained in the Bill of 1893?—I did not understand that Mr. Fletcher Moulton expressed that view; that is not the view which we have urged and put forward on any occasion, I think, because we have always said it is only an area not for assessment but for inquiry, an area of limitation for the purpose of giving the persons notice, so that they may appear and object.

1335. That is the only object, that you may give them notice?—Yes.

1336. There may be any amount of property outside your area which may be benefited?—There may be, and I believe evidence was tendered before the Committee of the other House to the effect that there was property that had large enhanced values added to it which was not within the limits of deviation.

1337. Then I am a little at a loss to understand what object the County Council have in fixing these areas, because apparently they are neither areas of exclusion nor areas of inclusion. They do not exclude all the properties which cannot be bettered, and may include some properties which cannot be bettered?—We understand and have been advised by the experts that it is practically impossible, and certainly inadvisable if it were possible, to attempt to ascertain what the enhanced values were before the execution of the works. Therefore if we cannot tell to what extent or how far the undulatory ripple of the benefits of the improvement might extend, or to which particular property, all that we wanted to do was to give an area outside which the arbitrator could not make any inquiry, so that those within the area at all events might have the Parliamentary notice and the opportunity of coming and objecting to the Bill if they thought fit.

1338. I quite understand the objection you raised to the assessment principle of taking the parish as a contributory area; but what I want to know is, what principles have guided the County Council in selecting the particular areas they have chosen in the Bills that have been put before Parliament?—That I will deal with, and I will deal with each one if your Lordship pleases.

Lord *Farrer.*

1339. Is it not shortly this, that the County Council are obliged to select an area in order that notice may be given, and that persons may have the opportunity of coming and objecting?—So we are advised.

1340. And if you do not do that you run the risk of bringing people before the arbitrator who have not had an opportunity of objecting to this in Parliament. Is not that the real thing?—Yes.

1341. And that you are obliged to select an area beyond which you shall not call people before the arbitrator?—Yes; and further than that, when we came to discuss this question on the first occasion in the Strand case, we were advised that as there was now a Parliamentary power to award costs, if we did not put a limit we were liable to have a committee-room full of opponents, who got no possible benefit, and whom we could not allege under any circumstances have any benefits, and who might be asking at the Committee's hands an order for the payment of costs by the authority.

Lord *Lingen.*

1342. Is this the state of matters, that if the area is fixed by a Statute that relates to the particular improvements, that area then remains fixed, and the council cannot alter it or reduce it whatever sort of mistake they may think they have made in it without a fresh Act?—No doubt that is so.

1343. That is the state of matters?—Yes, that is the state of matters.

Lord *Farrer.*

1344. They can neither extend the area nor contract it?—No, it is a boundary rather than an area.

1345. They could not act without it?—No.

Earl of *Onslow.*

1346. With reference to the reply you gave to Lord Farrer just now about the notices, is it the case that in all the Bills that have been before Parliament you were required to notice all the owners within the area of improvement. Take for instance the Cromwell Road Bridge; were you required to give them a Parliamentary notice?—No; in the Cromwell Road Bridge case it was quite a different scheme.

1347. There was no question there of choosing an area in order that you might notice the owners?—No, it was a different principle altogether.

1348. You have changed the principle on which you fixed these areas more than once, have you not, in the several Bills?—Yes. I could give your Lordship the explanation of those. The word "area" is not a proper term to use at all. It is the boundary line outside which the arbitrator would have no power, and which is fixed on a very large area, because it was stated that it would be impossible to ascertain how particular properties would be situated before the improvement was executed. The Cromwell-road Bridge was a different scheme altogether

Earl of *Onslow*—continued.

altogether. Having regard to the decision of the Committee in the Strand case that the boundary was too large, the Cromwell-road Bridge was a proposal by the landowners that the central authority should make the Cromwell-road Bridge, and open Cromwell-road. The landowners had obtained two Acts of Parliament for the construction of the bridge at their own expense, the local authority maintaining it when open, and they offered to give the land for nothing and to construct the bridge. The cost of the bridge was some 60,000*l.* In that state of things, the landowners having failed to make the bridge and their Parliamentary powers having expired, they applied to the County Council to know if the central authority would make that bridge. Upon that the reply given, and the arrangement made was this, that the County Council would contribute one-third; that the local authority, the parish of Fulham, which was on that side, would contribute one-third, and that the other third would be contributed out of the enhanced values which the owners of property there would derive from the construction of the bridge. A valuation was carefully made, as far as possible, of what benefit would be derived by these landowners by the construction of this bridge, and we ascertained, as far as we could, the locality and the amount. It was estimated by valuers at something like 10,000*l.* per annum. Throughout the inquiry it was admitted on all hands that there was an enhanced value of that area given by the construction of the bridge amounting to at least 3,000*l.* a year. The third of the contribution, namely, 20,000*l.* at 4 per cent., which was the rate of interest fixed by the Bill, only required 800*l.* a year. The scheme in the Cromwell-road Bridge case was that the central authority was to contribute 20,000*l.*, the local authority 20,000*l.*, and that there should be raised upon the area then defined *coûte que coûte*, and in all circumstances 800*l.* a year the estimated proportion of the 3,000*l.* admitted enhanced value. Of course we could not show which particular houses we thought would be enhanced in value, and when it was found that the radius of half a mile from the bridge happened to include the furthest property as far as our evidence then went, that radius was adopted of half a mile from the bridge as a scheme for fixing the boundary limit outside which the inquiry should not travel, and outside which no enhanced value should be put. The great objection raised to the Cromwell Road Bridge Scheme was that supposing after the construction of the bridge the enhanced values did not after all amount to 800*l.* a year, we should be taxing that area not only for their general contribution to the central rate and to the local rate, but we should be putting some portion of that 800*l.* a year in order to get the 800*l.* a year on certain of the properties which really in fact did not derive the slightest benefit from the improvement. That was the Cromwell Road Bridge case and that was a totally different case because it was a contribution case, and was based on the assumption that you were to get 800*l.* a year, come what might, out of that particular area over and above the rest.

Chairman.

1349. As I understand you, you yourself object to that as a reasonable and proper course?—I object to it myself because I have always personally said that you ought to have no boundary. It ought to be left to the ascertainment of the particular thing, and I have always given that evidence on all these inquiries, but the opponents of the measure have uniformly insisted that you must have some line drawn.

1350. Partly because of the liability that the new arrangements of Parliament cast on you for costs if you attempted to include what you ought not to have included?—Yes.

Earl of *Onslow.*

1351. Do I understand personally you would prefer to have no boundary at all?—No boundary at all.

1352. But leave it to the County Council to select the properties within the whole of London?—I beg your Lordship's pardon, it is not the County Council's selecting.

1353. The parish. Surely you take power, do you not, in making your assessment to select the properties which, in the opinion of the County Council, are improved?—Certainly, for the assessment. That is not assessing the value.

1354. Would you have the whole metropolis laid open to the County Council to select therefrom such properties as they thought would be benefited by the improvement?—I should myself say that it would be far better to have no limit for the inquiry, but to leave it to be ascertained as a matter of fact by the inquiry and on the occasion of the inquiry.

Chairman.

1355. Would you object yourself to any future assessment if it were thought fit to allow the matter to be re-opened after five or seven years' experience?—Yes.

1356. You would object to that?—I should object to that, and for this reason, that the enhanced value should be fully ascertained once and for all, and you could not, after you purchased property and you had an inquiry before the valuers, have another inquiry. Very often the valuers are entirely mistaken, but you never have another inquiry and reopen the question after you have paid the purchase-money, whether you have given too much compensation or too little. There must be a finality. It is an ascertainment of the enhanced value which, at the date of the inquiry, has accrued. If it arises a long while hence you discount the figure down to the present value, and, according to the evidence, you assess it on that once for all. You could have no evidence if you were to re-assess it, what was the condition of things, and you would remove the inquiry so far and so long from the date of execution of the improvement that you would not have the same condition of things and the same materials on which to make an inquiry. Thus assuming you have the Tower Bridge open, and a new street opened, and the enhanced value to arise from that particular street in five or ten years assessed, and then assume the Tower Bridge added still more to the value subsequently

Chairman—continued.

subsequently, you would not have the materials to judge as to how much of the alteration was due to any other subsequent street alteration, or whether there was any addition or loss from the opening of a bridge. It would be impossible to reopen the inquiry.

1357. You would have the inquiry held in seven years?—Quite so, and that is quite our intention.

Lord *Zouche.*

1358. Assuming you have got a betterment charge, would the produce of that charge be always applied to the cost of the improvement?—No, my Lord, I do not think that the betterment, or enhanced value, has any relation or connection at all with the cost. It is not the American system of saying a bridge has cost 500,000*l.*, and that a district shall pay the cost, or the frontagers shall pay it, or anything of that sort. That would be an improvement rate charge. It is not that. It is merely that those whose property gets some addition by public outlay should yield up a proportion of that profit.

Earl *Cowper.*

1359. Is it the case that in every Act which authorises betterment the words "shall or may" are introduced into that part of it where it speaks of the valuation of the land on which betterment is charged; does this use of the words "shall or may" establish a new principle; do you intend that the value should act more with reference to the future than for instance in valuing for rating purposes he is inclined to do?—No, my Lord. If your Lordship will refer to the first section which shows the assessment I think those words are not used. It is only used with reference to the framing of the assessment during the inquiry, and it is put in more with a view of it being worked by surveyors and laymen than perhaps by lawyers. I do not see how the words "shall be" carry the thing any further, because the "shall be" is always defined as present value, and as a matter of drafting I cannot see the slightest difference; but that is only my individual opinion.

1360. Your intention is that the land shall be valued exactly in the same way as it was valued for the ordinary assessment of rates?—Certainly.

1361. The difference is that in an assessment for rates there is a revision, and in this case there would be no revision whatever?—No, except that this is not an assessment for rating purposes; it is an assessment of the addition added to the property, of how much more the proprietor could sell it for now.

Lord *Farrer.*

1362. The valuation for rating is of the letting value?—Yes, of the property let by the year.

Earl *Cowper.*

1363. Therefore a mistake in ordinary rating would soon be remedied, but in this case it would be permanent, and if the arbitrator chooses to think that the future value will be greater than it turns out to be the owner will have to suffer,

Earl *Cowper*—continued.

and will never have the error put right. That, I think, for good or bad, necessarily will be the effect?—That is the necessary effect of any erroneous award of an arbitrator.

1364. Then I would ask you as it has been asked of other witnesses, whether you think that it would not be fair to the owner to give him the option of selling the land at the price put on it by an arbitrator, deducting, of course, half the betterment in accordance with the principle of the Bill?—I think not. I think that would be to establish the old doctrine of taking property by purchase instead of merely taking the additional or enhanced value.

1365. You would be able by selling the property to get back your money, the only difference would be that the risk, whatever it is, you would prefer should fall on the owner instead of upon you?—I think that the practical operation of that would be that if the right is given to the owner, and not a mere power, the owner would immediately say, Buy my property, and the result would be this, that we should be going back again to the old system of purchasing property for recoupment.

1366. In a very modified form, because in most cases if it was fair the owner would have paid the money and have done with it. It is only to provide against the possibility of a wrong assessment; you object to that?—Yes.

1367. You would rather the risk fall on the owner, and you would rather have nothing more to do with it?—You will recollect this, if I may venture to call it to your attention, that the risk is only as to a moiety. The central authority is only asking for the moiety. They leave the other 50 per cent. with the owner for the purpose of compensating him for any of those possible risks.

Chairman.

1368. I think you must remember that we are not discussing the particular provisions of this particular Bill, but we asking your asssistance on the principle, and we cannot quite assume it is only 50 per cent. You heard what Mr. Fletcher Moulton suggested, and what indeed you yourself would suggest, that it may grow up to the entire value?—It might, but I have expressed my opinion based on the statutes relating to New York.

1369. I quite follow what you say, but when you give that as your answer to the noble Lord it is quite true that if you were confining yourself to the particular Bill you are only asking 50 per cent., but we are examining a little further back here on the question of principle?—Quite so. Of course it is open and it would be advisable that on its first application and until it is seen what the practical results of any such legislation are not to extend it over the 50 per cent. and wait experience.

Lord *Hobhouse.*

1370. With regard to the point put by Lord Cowper as to giving the option to the landowner your answer is that that would grow into the system of recoupment?—Yes.

1371. Is that so. The system of recoupment

Lord *Hobhouse*—continued.

is this. You take a property at the full price, and you take your chance of gaining by a re-sale of it. Under the system which would give the landowner an option the process would be this. The authority say to him, "Your property was worth 1,000*l.*; it is now worth 2,000*l.*, and we ask you to pay 500*l.*" Well, the answer is, "No; I do not think it is improved, but if you say so take it at 1,500*l.*" That is quite a different thing from recoupment surely?—It appears from what I can judge to be practically the same, because it is the purchase of a property. Take the case of a trade. You are giving a trader the right of calling on the central authority to purchase his premises in which he has a lease-hold interest.

Lord *Belper.*

1372. Make this clear. Would it not be for the local authority even a worse process than recoupment, because in the case of recoupment, as I understand, you buy the property at its value before the improvement is made?—That is so.

1373. Then if the property is worth 1,000*l.*, you give 1,000*l.* for it, and you make the whole of the profit on the increased value that may come to it by the improvement yourself. In the case Lord Cowper has put, as I understand, you are to give half the increased as well as the original value of the property, and you are giving far more than you would give before the improvement, and for the local authority it would be a worse transaction than recoupment. I do not know whether you follow me?—Yes, I follow your Lordship, and that would be so, at least as far as I can see, and I have never known, except in a recent statute passed in New Zealand that principle acted upon. There was a Bill introduced last Session which never proceeded very far to enable local authorities to purchase during 20 years the property at a price mentioned in a valuation previously filed.

Lord *Hobhouse.*

1374. The difference is this surely. If you purchase out and out in the ordinary way you are purchasing at somebody else's valuation and not at your own, an independent man's valuation?—That is so.

1375. But in the case supposed, you purchase it at something materially less than your own valuation?—That would be so with reference to land only, but are you to give this sort of option only to a landowner in respect of the freehold, and not give it to the leaseholder. If the leaseholder happens to be a person carrying on a manufactory with a lease of 40 years, or a vinegar works, or anything else that may occur to you, if you do give him the right of calling on the local authority to purchase his interest in the lease and all the trade, that never can be resold again by the Public Authority, and you cannot leave the trade in the leaseholder's hands when you have purchased his interest. The result would be that we should in that case be landed into the result which the recoupment principle has landed us in, namely, of purchasing interests which we never could resell, because you would be purchasing a trade together with the land.

Earl *Cowper.*

1376. If you did not buy the owner would be in the same difficult circumstances?—If I may ask your Lordship to apply it to the case of this Tower Bridge. There are Slee's vinegar works. They have a 40 years' lease from their freeholder. If they are to have a power because they dispute the enhanced assessment value to say: "You, the public authority, shall buy"; what are we to buy? We should have to buy the trade as well as the lease, and when the public authority has got that, and they have only paid the lowest possible value for the trade, they have nothing to re-sell, because they cannot re-sell the trade.

1377. You could sell the reversion?—That would limit the right of calling on the public authority to purchase, to a right to purchase only the freehold interest.

Chairman.

1378. How have you treated that in the case of the Tower Bridge works. Have you treated Messrs. Slee's vinegar works as being property subject to the rate for betterment?—As liable to the inquiry, within the limits of deviation.

1379. Though it is a property which is used for vinegar works, and according to the lease is to be used so for 40 years?—Yes; the property.

1380. By the property, do you mean the reversion?—No, I mean the entire property as it stands; and with regard to the entire property of those vinegar works, if put into the market after the bridge had been opened, from the fact that there is a large open space there, notwithstanding the lease, persons would purchase that, in my opinion, and as I am advised also by experts after this improvement, on a very considerably enhanced price.

1381. Purchase the reversion on the termination of the tenancy?—Would purchase the interest. Taking the lease, if the land was put up, it would sell as a property for a great deal more after the improvement than before.

1382. The word "property" is ambiguous; I do not know what you mean; take the case of the subsequent purchaser who might pay, as you say, an enhanced price the moment after the Bill was passed; would he assume in his calculation, or do you think he would assume in his calculation, that they were to continue as vinegar works for 40 years?—No. Take this illustration: The vinegar works adjoin the Brighton and South Eastern Railways that run into London Bridge. Assume the present state and condition of things. Assume that the railway company want to make a station or sidings there for goods or a warehouse, and give notice to treat to secure this under one of their widening Acts. The value of that property under that state of circumstances would, I venture to say, be, in the existing state of things, one price, and if that event happened the taking, after this street had been opened, would be at a greatly enhanced price. Therefore there has attached to those interests an enhanced value for the total property so to be taken by the railway company. Then as to that enhanced value, Messrs. Slee would not have any difficulty in calling any amount of evidence to

Chairman—continued.

to show that the street had so improved the value of the premises that the railway company should pay more.

Lord *Farrer.*

1383. The question I want to understand is why that enhanced value would not exist if the vinegar works were in the hands of the London County Council just as much as if they remained in the hands of a private holder?—Simply because the central authority of the Metropolis cannot carry on the trade, and if we were to be burdened with a hatter's business, such as Christy's down at the Tower Bridge or the vinegar works, it would be physically impossible to carry it on. We could only purchase on the theory of recoupment for the purpose of re-selling that which we have got, and the figures which I have taken out in all these recoupment cases show not that there is a loss on the land which you acquire, but the loss on recoupment arises exclusively from your buying that which you cannot re-sell, and represents so much waste, costs, and other items of expenditure attached to each particular interest.

Earl *Cowper.*

1384. According to the recoupment plan you have to buy a lot of land which no valuer would say would be better in any way; whereas according to this you would only treat for the land on which an increased value had been put. That would be the difference between them?—No, my Lord, because the recoupment principle when you have really examined it is this. The Bill of 1877 is the best illustration of it, and the definition of the improvements was, "the new street and works connected therewith." Then the power was that the Board might "carry into execution all or any of the new streets and street improvements, and subject to the provisions of this Act the improvement may be made on the lands delineated in the deposited plans." So that under this principle and the words of this Act we could only go a short distance away although on the deposited plan. They must be lands in connection with the carrying into execution of the improvements, namely, the works.

Lord *Farrer.*

1385. With regard to these vinegar works you have mentioned, you say, that the County Council would suffer loss because they would have to pay for the trade and the goodwill?—Yes.

1386. And you say at the same time that the vinegar works would acquire increased value, because they are in the proximity of the Brighton Railway, and might be sold to the Brighton Railway?—Not the vinegar works, but the whole property.

1387. But if they were to be sold by the owner to the Brighton Railway, and in that way a larger value were to be paid for them, that would involve giving up the trade, would it not?—Certainly.

1388. So that there would be a diminution of the value in the hands of the owners just as there would be in the hands of the County Council if they got possession of it?—You would get nothing back for the trade.

Lord *Farrer*—continued.

1389. Then I want to know with reference to that whether your arguments against recoupment do not go to show that it would considerably diminish the enhanced value that the County Council would get for it?—No doubt. If you give a right to an owner, which means every owner, and not merely the freeholder, to call upon the public authority to purchase, you are then practically falling on to the same bad financial results, I will not put it on any other ground, as what you did fall into with regard to recoupment, because you are purchasing a trade attached to an interest which you have nothing to recoup yourself out of.

1390. That leads me to another question I want to ask. Mr. Baumann in his book says that the failure of recoupment proceeded entirely from the malversation and malpractices of the officers of the Metropolitan Board of Works. You know these cases well. Is that the fact?—No, it is an idle suggestion and imputation, and I can give your Lordship the instances of them, which are these: Gray's Inn-road, which was required to be carried out on the recoupment basis, after giving credit for actual receipts, cost 338,992*l.* Now, we have had taken out the value and prices paid and everything only for those properties which would have had to be acquired if the land required for the street alone had been taken, and the cost of the property actually required for the street would have been 252,700*l.* So that on that occasion the public authority lost 86,292*l.* by taking in that band of land for recoupment Malversation in that one case did not extend to that amount or anything like it.

Lord *Belper.*

1391. May I ask whether in that calculation the whole of these lands bought for recoupment have been resold since, or were they taken at a valuation?—I believe so. There may be some little bits left. I cannot tell you, but the valuer, Mr. Young, will tell you that.

Earl of *Onslow.*

1392. Were they all sold?—Yes.

1393. The property was not allowed to stand, and the tenants allowed to continue?—No, that is never done, because you are only authorised to take that for the purpose of the works. You may get it as a piece of land, so as to preserve your frontages, but they are only fringes, as I may call it, of frontages. They are not for a recoupment scheme such as the Birmingham scheme was.

1394. Supposing you were permitted by your Act of Parliament to continue the tenants in possession as your tenants without compensating them for their trade entirely, would not that make a material difference in the amount you would have to pay?—No, not in respect of that property which you must take for the purpose of construction of the works.

1395. Of those properties you need not take for the purposes of the works, but which you do take for the purposes of recoupment?—Then we never touch them.

Earl of *Onslow*—continued.

1396. Then you do leave them standing?—We do leave them standing. If the works can be so laid out as to avoid a trade, they necessarily would be, and if the street could be shifted a little, so as to avoid having to take a trade, it would be, but then what is the result? We lose that property with its frontage and its enhanced value because we are afraid to touch it on account of the trade.

1397. Do not you acquire it?—No, we cannot.

1398. If you could acquire it, and had power to do so, would you not then be in a position of gaining the recoupment?—Acquire it on what terms?

1399. On the terms of purchasing the freehold of the freeholder, making your own terms with the tenant?—No, I thought I had answered that question. You cannot gain a right of purchase only of one interest. You must attach it to all the interests, and certainly to the leasehold interests.

Lord *Lingen.*

1400. Is not this the case, that the Council requires certain lands in the neighbourhood of an improvement; on that land buildings are standing—we will say shops—and the suggestion is, if the Council purchase the landlord's interest, and become the landlords of these shopkeepers, would not they have the rent of the persons who continue to occupy those shops and would not that be *pro tanto* either a recoupment of or an indemnity against loss?—No, because if you only purchase the freehold the enhanced value would inure to the occupier, and the lessee for 20 or 30 years would be having premises worth 100*l.* a year capable of being let by him at 200*l.* a year, the extra 100*l.* a year being added by the public.

Earl of *Onslow.*

1401. If you were the freeholders, and the property was enhanced so that you could raise his rent, would you not then get the benefit in the increased value?—Supposing he was a leaseholder for 40 years you could not raise his rent. If he is a leaseholder for 20 or 30 years, or for a term of years of any sort with a covenant to pay a fixed rent, you are simply adding to that immediate interest so much enhanced value or additional value to those premises by public outlay which you are allowing him to sell, because he could transfer his lease, or he could let it on a sub-lease, and he would be getting 200*l.* a year while still paying 100*l.* a year, and he would be in the receipt of that extra 100*l.* a year from the public outlay over and above that which all other ratepayers had had conferred on them.

1402. Take the case of the vinegar works. There is a man with a lease for 40 years. He wants to apply his premises to the manufacture of vinegar, and no amount of extra frontage or anything of that kind will greatly improve that man's premises, I think the County Council admitted that?—I beg your pardon; no.

1403. I thought they admitted no betterment would accrue to the property occupied by Messrs. Slee's until the expiration of Messrs. Slee's lease?—No, my Lord, what they admitted was this. I stated that the property would be enhanced in value——

Earl of *Onslow*—continued.

Lord *Thring.*

1404. What property?—I used the word "property" in the popular sense.

1405. Do you mean by the property Messrs. Slee's property or the owner's interest? Theirs is not a property in the ordinary sense. There is Messrs. Slee's interest in the vinegar works and there is what we call the owners or the reversioners' interest in the land. When you talk of the property being enhanced, do you mean that Messrs. Slee's, the leaseholders' interest would be enhanced or the owners' ground interest would be enhanced, or both would be enhanced?—By "property" I mean the freehold in possession.

1406. That is not Messrs. Slee's interest?—It depends entirely upon the user.

1407. Do, pray, answer the questions. In the particular case you put, would it be the owners' interest that would be enhanced or would it be the vinegar maker's interest that would be enhanced, or would it be both the vinegar makers and the owners?—I think that the scheme is that the property, by which term I mean the freehold in possession, would be increased.

1408. But it is not in possession?—I am treating it as in possession.

1409. That is quite a different thing. The case is this: There is a vinegar works on a particular spot of ground. That spot of ground, I will assume, is leased for vinegar works for 40 years, and therefore the owner cannot possibly have any right to it till that 40 years are over; that is to say, any right to the vinegar works. I want to know whether the enhanced value attaches to the vinegar works during the 40 years that exists or to the reversion or to both?—I cannot answer as to which particular interest it might attach to. It might attach in one degree to one and in another degree to another.

1410. How is that possible; one man has it for 40 years; the other man cannot come into possession till the 40 years are over; we all know that practically a 40 years' reversion is so far off that you do not really estimate it; that is not the point; I want to know what you say it attaches to; if you do not know which case you take, of course *cadit questio*; you must know which it attaches to?—No.

Lord *Farrer.*

1411. The Bill provides for each?—No, except in this way. It makes an assessment on the property supposing it was property to be acquired under the Land Clauses Act, that is for all interests. Then it allows the arbitrator before whom the special circumstances come to say with regard to which interest, whether the vinegar works, or the freehold, enhancement has taken place.

Lord *Thring.*

1412. I ask your opinion as to which it would attach to?—I cannot give an opinion possibly.

1413. Might

Lord *Belper.*

1413. Might the arbitrator assess the value both to the freeholder and the leaseholder?—He might put a part on both.

1414. He might assess the leaseholder for the betterment?—Certainly.

Lord *Hobhouse.*

1415. Or postpone the charge altogether?—Or postpone the charge altogether. I can understand this, that in carrying the vinegar works on, if the leaseholder gets an improved access to the sources from which his materials come with which he makes the vinegar or for delivery, the very fact of opening a street like this and a bridge would greatly enhance the works as vinegar works.

Lord *Thring.*

1416. That is another theory?—It might generally enhance the value of that lease. It must depend on the circumstances.

Lord *Hobhouse.*

1417. It is a question of fact in each case?—It is a question of fact in each case.

Lord *Thring.*

1418. I thought you told us the advantage would be that it could be sold to a railway company, and would have an enhanced value when sold to the railway company?—My Lord, there is no difficulty or no violent assumption in this: that if the railway company were to take the property, and take all the interests in that property after the street was improved, they would have to pay a very much larger sum for it than before the street was executed.

1419. Who would get the benefit of that?—According to the several interests which were found entitled to it on inquiry.

1420. The vinegar works man is fixed with the large betterment charge, because it will do him good as carrying on the vinegar works, and the landlord and the vinegar works man sell the property. Is the vinegar works man to have the whole value?—That is not the scheme of any of the Bills that have been put forward.

Lord *Farrer.*

1421. Does not the Bill specifically provide for this?—No, my Lord, not the point Lord Thring points out.

1422. It provides that the arbitrator may make the charge upon the different interests according to their separate value?—It postpones the dealing with those outside interests.

Lord *Hobhouse.*

1423. If the immediate interest gains nothing I suppose the arbitrator might postpone the charge?—Yes, under the clause.

1424. The machinery enables him to do so?—The machinery enables him to judge of all the facts and all the circumstances.

1425. You must know your facts first?—Yes.

Lord *Farrer.*

1426. May I read these words: "The arbitrator in making the award shall take into consideration all the circumstances of the case, and in particular shall consider the several interests in such lands and the time at which they severally expire, and may make the commencement of each charge dependent on the expiration of any term of years," and so on. He is particularly to have regard to the different interests in the land?—Exactly.

1427. "And may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award"?—If I may say so, when I have used the word property I ought to have used the word in the Bill, "lands," which means lands as that word is defined in the Lands Clauses Consolidation Act.

Lord *Hobhouse.*

1428. Might I ask you a question on one other point; the initiative step of the council for the assessment is to be taken as soon as conveniently may be; Lord Salisbury has referred to it once or twice; supposing we altered that and said, "As soon as conveniently may be after the execution of the works hereby authorised"; would that be objectionable?—No. I think not. If those words were used so as to allow the machinery to be going on and notices to be given and all that sort of thing, so that the final assessment would not be delayed beyond a certain period.

1429. It would be really a futile thing to try and make an assessment before the execution of the works?—Quite.

1430. You could hardly tell what the effect would be?—And it would be against the interest of the council or of the assessing authority, because before the works it is admitted there is no enhanced value.

1431. As far as you can see there would be no difficulty in meeting the objection in that particular way?—Not a bit.

Chairman.

1432. I am sorry to say I have not caught what you mean to say about Slee's Vinegar Works; you have introduced that yourself?—As a very good illustration and as a type.

1433. You were suggesting to the Committee that if the railway purchased them they would take the lessee's interest, and also the freeholder's interest?—Yes.

1434. That of course is quite true, but if they take the lessee's interest they would be obliged to pay for the trade they destroyed?—Of course.

1435. That is a totally different question. You do not propose in any way to assess any trade apart from the value of the property which has been occupied?—No, because the person has been left in the enjoyment of his trade undisturbed and uninjured.

1436. One word more upon that. In the event of the property being taken under the Lands Clauses Act the full compensation, or

Chairman—continued.

some people think something more than full compensation is generally awarded to the person whose property is taken and the trade interest would be treated separately as a matter of value by the valuers called to give evidence before the Compensation Jury; but the owner would be entitled to his compensation for the land which would be in reversion, and after the determination of the lease granted. That would be assessed in a totally different principle, would not it?—Yes.

1437. What I want to ask you is this. Before the compensation jury, when the question came about the deprivation of the lease and the destruction of the trade, do you think you could get any valuer to say that, treating it as a vinegar works, which you must take for the purpose of treating the destruction of the trade as the proper subject of compensation, those vinegar works, *qua* vinegar works, would be added to or benefited by that street improvement?—It must be so dependent on the actual facts.

1438. That is exactly what I was going to suggest to you. Can you suggest any way in which the vinegar works, if they are to be continued for 40 years, would be benefited by the additional road or the approaches?—I can anticipate this, my Lord, that the very fact of the opening of the approach, and bringing into the market of other land lower down for the purpose of warehouses, would induce the lessee to make arrangements with his freeholders for turning these vinegar works into warehouse property.

1439. That is another matter. You see what I was endeavouring to point out was that your compensation, which you yourself introduced as being assessed under the Lands Clauses Act, assumed a continuance of the trade of the vinegar works for 40 years?—For a railway of course. I can only deal with the existing state of things.

Marquess of *Salisbury*.

1440. I want to ask a question as to the meaning of the 15th Sub-section of the 37th clause which was read by Lord Farrer. If you look at the top of page 31 it runs in this way: "And may make the commencement of such charge dependent on the expiration of any term of years, or other period, or on the happening of any event." Ought not that to run: "May make the commencement of such charge, or any portion thereof, dependent on the expiration," and so on. Can you imagine a case in which there will be no charge whatever levied on the leasehold property or the freehold property?—I do not think there would be any difficulty in introducing those words because it is a power given to an arbitrator, and I cannot conceive that merely enlarging the power of an arbitrator to exercise his discretion and make a finding can affect it.

1441. I only wanted to ascertain if there was any meaning in that clause which I did not catch, any object besides that which lies on the surface?—I know of no object. It was framed in that view, and, if you wish to give the arbitrator jurisdiction over any part thereof as he has jurisdiction over the whole, I cannot conceive any words being objectionable at all.

Marquess of *Salisbury*—continued.

1442. Is it not your opinion that some improvements may wear out in course of time, and would it be fair to place a prospective charge on the owner at the end of a long period for an improvement of which the value may have disappeared. Supposing you took the beginning of a 99 years' lease and 98 years hence the charge is to be imposed?—Of course if you assume that you are making a prospective charge, that is not the proposal which has been put forward in this Bill.

1443. "May make the commencement of such charge dependent on the expiration of any term of years"?—That is apportioning that which has already accrued. You have your betterment. You say these premises are vinegar works or otherwise, and the lands, using that word in the sense of the Lands Clauses Consolidation Act, are improved, say 1,000*l*. The object of that clause is, that if he was to find there was any sub-interest carved out of the freehold which by covenant or otherwise fettered its user or found one interest should pay more than another, or that it should be a charge which should not come into operation pending the currency of an existing lease, that clause is intended to operate and give him the power to do it. For instance, taking the vinegar works case, supposing the lessees had covenanted to maintain and keep them up and use them only as vinegar works for vinegar purposes. It might be that the arbitrator might say, This property is undoubtedly enhanced, but we will postpone any charge upon the freehold or the reversion until the expiration of that lease.

Lord *Hobhouse*.

1444. The postponement of the charge, I take it, would not create any hardship on the man owning the reversion?—Not a bit

1445. It would only exonerate those nearer in point of time?—That is all.

1446. The charge would be no greater?—No greater. It is an apportionment of that already ascertained.

Chairman.

1447. That is exactly what I was going to ask. Unless you give the person who is entitled to the reversion the opportunity of contesting it, then at the end of 40 years his representatives may not be able to give evidence?—You will notice that the scheme of this clause for the arbitration, following the scheme under the Housing Acts, and so forth, is to give every interest the opportunity of being heard in *præsenti*, and not only that, but it gives them by Statute a right of saying you have put too much in my interest—not on the property collectively—and too little on another, and the sub-sections of that clause enable a notice to be given, and the Council may either amend it or re-consider it.

1448. I do not think this is the kind of provision to be much made use of. As you are aware, of course it is competent to a ratepayer to

Chairman—continued.

to do the same thing, and to say that his neighbour is under-rated. I do not think, according to my experience, that that has ever been made use of, has it?—Yes. As your Lordship knows, appeals run in that form, and you know that is the objection stated in the notice. If I might say so, that does not apply to this, because the neighbour is not the person whose interest is in the same property, whereas this is an objection as between several interests in one and the same property subject to the same liability.

1449. You would not object, I presume, to each person intended to be included or made subject to your definition clause, as I will call the area simply for the purpose of making myself understood receiving notice?—Not the slightest.

1450. That he should receive notice and be entitled to object and to ask to be outside any limit of exclusion?—Not the slightest. Notice is nothing. It is not a matter of principle. That clause has been framed entirely in substance on the Housing Acts under which, as your Lordship knows, they cleared a space at Birmingham which extended to 93 acres, and at Bethnal Green, which we are doing now, to 24 acres, and the arbitrator has seisin of the whole area, and all the interests and every objection may be urged, and notices given to everybody.

1451. You mean notice by the arbitrator?—And notice by the Council too.

1452. What I mean is, you would not object before a Private Bill was passed with an area marked upon it, that every person within that area should have a right to appear, if he thought proper, before Parliament, and object to his being included in the area?—Certainly not. That is a matter of the Standing Orders of your Lordships' House. They never had it in the case of recoupment.

1453. But you know the difference is this. It seems to me, with all respect to those who devised this little expedient, it was rather an abuse of the forms of Parliament because you gave notices that you were going to take what you never did really mean to take at all?—I think that that is not so. In the Act of 1877 where there was a very large area for recoupment, the whole of that put down was within the limits of deviation. Now I apprehend that it cannot be assumed that it is advisable to have your property taken by any public authority, even when compensation is given, because we are told it is forced from the owners by the exercise of the public authority's power. Now in that case the notice was simply that you were within the limits of deviation, and there was no notice under the Act of 1877 to the landowner that his property was not on the line of works as proposed, or possibly proposed, to be carried out, but was on the line simply for recoupment. So that the owner whose property was scheduled for recoupment advisedly by the plans, had no notice at all under the Act of 1877, and he was under the impression, no doubt, that the notice given to him was that his property was going to be taken for the purposes of the works.

Chairman—continued.

1454. That is exactly what I point out, that it seems to me to be rather an abuse of the forms of Parliament. However, we need not go back on that. All I ask you at present is that you see no objection or impropriety in allowing a person whose property is not to be taken, but is to have the district rate placed on it, or possibly to have it brought within the area of the arbitrator's discretion, as I will call it, to have notice, and being able to appear before the Parliamentary Committee with reference to the line that should be marked?—No. On that very principle this Bill acted. We put all the enhanced value in the limits of deviation, and every person in those limits had notice, and notice not only that their property might be required for the purpose of being taken, but that it might be they would have an enhanced assessment under the Act imposed on them. We gave that notice.

1455. Therefore you think there would be no injustice in making that a necessary condition of this betterment theory?—Not the slightest.

1456. Is there anything else you would like to add?—I only wish to show your Lordship the plan because it would be unintelligible without it annexed to the Edinburgh Act. Edinburgh was divided into police wards at the date which are all coloured and numbered. The improvement is the piece coloured blue. You will find the numbers referred to in the Clauses. The general rate was imposed on those wards which are coloured red. The enhanced value was to be charged on all those areas which are in the yellow area. The dark portion showed the then existing buildings at the date of the Act, and the light portion showed the buildings that had been built since the Act, and under that Act of 1829 the building land was charged a percentage on the sum received for the feu or in cases of sale; 10 per cent. on the consideration whatever it was.

1457. Then do I understand that all this coloured yellow had the enhanced charge upon it?—It had the enhanced charge over and above the general charge.

1458. And this coloured red had not?—Had not.

1459. That seems an odd application of the principle of betterment, does not it?—It is, if I may venture to say so, an erroneous application, because it assumes by the Act that there must be an assessment, and that there must be an enhanced value, and leaves it to be worked out. It is more like the Cromwell-road Bridge case.

Marquess of *Salisbury.*

1460. It is rather like the American principle?—More like the American principle, my Lord.

Earl of *Onslow.*

1461. One question with regard to the evidence you gave on the former occasion and to-day. I understood you to say that one of the principal objects of the principle of betterment as laid down by the London County Council was to ascertain what property was benefited by the improvement?—I think not.

 1462. I took

Earl of *Onslow*—continued.

1462. I took the words down at the time, and I understood you to say so?—Would your Lordship refer me to the answer.

1463. It was to-day. I understood you that one of the principal objects was to ascertain what property was benefited by any of the improvements?—Betterment is to ascertain within the limit of the inquiry.

1464. I want to know why, if that is is the case the County Council should ask for power themselves to select the persons who, in their opinion, would be benefited, and why they do not leave the whole question to the arbitrator?—Because, I apprehend, that as a matter of machinery somebody must frame a scheme of assessment, and this scheme contemplates proper communications between the persons assessed or the owners of the properties assessed and the central authority, so that they might come to an arrangement, and could alter the assessment without going to arbitration at all. If that machinery laid down by the Bill is adopted I doubt whether there will be, except in some very large instance, any reference to the arbitrator. I have not the slightest doubt that the surveyors of the central body, and of the parties interested, will agree.

1465. The whole object, as I understand, of this appointment of the arbitrator by a central authority, and so forth, is in order to get the utmost impartiality, is it not?—Of course.

1466. Why should not the County Council extend to the arbitrator, in whom they place entire confidence, the selection of the property which in his opinion would be bettered, and not take that to themselves?—He will have the selection; and in his final award will have to settle it; but to go and throw the work of merely carrying out, or framing, a scheme on to the arbitrator would have this result, that you would have to pay the arbitrator a valuation for doing the whole of the work, which would be very heavy indeed, when the two parties might agree. The officers of the staff of the central authority are already paid, and you will be adding enormously to the cost.

1467. The only objection to it is the cost?—I think the cost of carrying out that scheme would be so enormous that it would be a very inadvisable proposal to give effect to. It is not so in the Housing Act. The Local Authority under the Housing Act of 1890 frames its scheme entirely, and that rests with the council, and the council is in London the authority for framing the scheme, and you have to go to arbitration afterwards.

1468. Does it select the particular properties to be charged?—It selects the properties to be taken, and it lays down the scheme under which the property is to be taken. It rests entirely with the council.

1469. There is nothing in your scheme to prevent the County Council from selecting A., B., C., and D. anywhere in the area, and leaving out E., F., and G., who may happen to be bettered as much as A., B., C., and D.?—There is nothing which technically by the framing of this clause would prevent that, if you can suppose that the experts of the council who have no interest, and

Earl of *Onslow*—continued.

the public authority having no interest, would not obtain the utmost that they could do for the ratepayers in relief of this scheme.

Lord *Hobhouse*.

1470. I think even then persons charged might say, "Oh, but you ought to have charged somebody else"?—Certainly under the express provisions of the Act.

Earl of *Onslow*.

1471. Ought not one to add, in fairness, to that, if you can suppose it to be impossible, as we did suppose, that any person would be arbitrarily selected for the purpose except from the fact that his property was better?—You cannot suppose that a public authority which has no pecuniary interest would arbitrarily select any property. It may happen *per incuriam*, of course, because of a difference of *de facto* opinion between surveyors, but not otherwise.

1472. With regard to Clause 37, as introduced into the House of Commons, I asked the question of Mr. Cripps when he was under examination you may recollect. There is a subsection in that clause, which directs the valuer when valuing for the purpose of the original assessment to distinguish separately between the value of the land and any existing buildings thereon?—Yes.

1473. I asked Mr. Cripps whether he introduced these words in consequence of the decision of the Committee of the House of Commons, or in consequence of instructions received from the County Council. Now, what I want to know is upon what grounds was that very important new departure inserted by the directions of the County Council in a clause ostensibly put in for the purpose of carrying out the decision of the Committee?—The Committee desired the clause as we interpreted it so to be framed and we brought up that clause. It was argued by the Counsel on both sides that the clause, as framed, was a proper clause, and after argument by Counsel, the Committee of the other House adopted the clause.

1474. But did the Committee give any directions to the County Council to put in any provision of that kind?—Yes.

1475. Separating the value of buildings from sites?—Yes, in effect, and they adopted it when they saw the clause brought up as expressing their own decision.

1476. Mr. Cripps read to us the words of the Chairman (Mr. Coddington) of that Committee, and I fail to find anything in it in which he said that the valuer when making what I may call his primary valuation was to separate the value of the buildings from the sites. Show me any words?—If your Lordship will refer to the proceedings that took place on that Bill your Lordship will find that after the decision the clauses were framed by the different parties, by Mr. Bauman's client, and the City, and by the County Council, and we went before the Committee in the usual way, and we submitted our clauses. There was an elaborate argument upon them, and the contention of Mr. Bauman was that they did not carry out the view

of

Earl of *Onslow*—continued.

of the Committee. There was an argument ensued upon that, but the decision of the Committee was, after hearing Counsel, that they did so carry out the view and intention of the Committee, and they adopted the clause.

1477. I quite understand that the Committee passed the clause?—After discussion and objection raised that they did not carry out the Committee's view.

1478. I want to know why the County Council, not having thought fit to put this proposal in the original Bill, should only have brought it up and put it in a clause ostensibly framed to carry out the requirements of the Committee, though the Committee made no such requirement in the speech of the Chairman?—The proceedings were not that. The objection, as I have explained, was an objection raised by the opponents, and they suggested there would be no record of value. In five or seven years buildings, as Mr. Vigers tells us, do not alter in value, mere bricks and mortar. Therefore when we come to carry out the decision of the Committee, which was in favour of the opponents, the Committee had before them the council's clause as framed. They had the evidence of the valuers. They had the opponents' objections and the Committee thought fit to decide that it did carry out their own view as expressed in this short note of the decision which they pronounced on the preamble.

1479. At any rate in none of the former Bills have you made the proposal that sites should be separately valued from buildings?—We have made none at all. We have made no proposals that there should be any preliminary valuation. We did not see the great materiality of it, but the opponents desired it. It was done at the instance of the opponents, the Property Defence Association.

1480. It is a point which has given rise to considerable discussion both inside the Council and out, has it not?—No, not that clause.

1481. Not the proposals to separate the value of sites from buildings?—No.

1482. Has there been no discussion on it at all in the Council?—No, not on that. It is quite another subject your Lordship is referring to. Your Lordship is referring, I presume, to the taxation of ground values that has given rise to a great deal of inquiry and reports, and ultimately to the framing of a Bill before Parliament. That has nothing to do with this.

1483. Then this is, is it not, the first time it has ever been proposed to assess a building separately from the ground on which it stands?—No.

1484. Is it the first time that has ever been proposed?—It is not a proposal to assess anything. It is a proposal to ascertain a valuation and in order to ascertain what the value of the land is. There is vacant land, and land now at this present moment unoccupied, and to enable the valuation to be of any use at all, you must distinguish the difference between the value of the land and the buildings.

1485. You told us the figures. I think you expressed an opinion on some former occasion that it was possible to do it, but did not the Select Committee of the House of Commons that

Earl of *Onslow*—continued.

inquired into the Town Holdings, report that it was the almost unanimous opinion of the surveyors who gave evidence before the Committee, that it would be impossible to arrive at an accurate estimate of the annual value of the whole subject-matter if you divided land from buildings?—If you are quoting the words from the report, what is stated there is stated——

1486. I asked you that because you stated Mr. Vigers' opinion, and I wanted to know whether you had also read the opinion expressed by that Committee?—I gave evidence before that Committee.

1487. They expressed a view contrary to that you quoted of Mr. Vigers?—No, because if I may venture to say so, this valuation is only a valuation simply confined to the property and the land to be taken. If there is vacant land, you must, if it is to be of any use, distinguish between the value of the land and of the property. It is what the opponents themselves urged upon the Committee.

Lord *Belper*.

1488. I understand that in your proposal you make the proposal either that the owner who is benefited should pay down the capital value of the benefit received, that is to say, 50 per cent. of the benefit received, or should pay the interest on it at 3 per cent.; is not that the proposal?—The proposal is that the enhanced value should be ascertained once and for all, and it gives the option to the owner if he does not choose to realise it or thinks a better market will come hereafter. If from any other cause whatsoever he says I do not wish to pay this sum at once, he can have the money as long as he likes at 3 per cent. That is the cost to the central authority of raising the money.

1489. Might not a time come say, in the process of a great number of years, when, if there was a permanent charge of 3 per cent. on the property owing to the benefit of the improvement having died out, that it would be looked upon rather as a hardship by the then owner, who might be another person, that he should still have to continue paying this charge though getting no ostensible benefit at the time for it?—No; because his predecessor would have got the benefit.

1490. I am not saying that he has not got it, but what I mean is that when a process of this sort of paying a rent on an assessment for a benefit which has been received goes on in perpetuity, a time might come when it would be looked upon as a great grievance if he has to pay the whole of that which somebody else has had the benefit of?—No; the same person thinks it is a grievance that their predecessors have not paid off the mortgages on their settled estates.

1491. Would it not be better rather than making an annual payment of interest to agree on a payment which should pay off the capital as well as the interest in a certain number of years, or that the payment should be all complete in a certain number of years?—There will be no difficulty in that provided you altered the machinery of the Bill and made the proportionate portion of the charge a

Lord *Belper*—continued.

charge on the interest that ought to pay it, because under the Settled Estates Act and the Lands Drainage Act and the Improvement of Property Act, the ordinary way is to raise the capital sum on the fee. It is charged on the fee. The tenant for life, the occupier of the house, pays the permanent interest, and sometimes these charges are put into the form of terminable annuities spread over a term of years.

1492. Would not it be a desirable thing to put that alternative in the Bill, because many people might consider it a hardship?—I do not think there is the slightest objection to give, in addition to the power to redeem paying interest during the time, a power to convert the capital sum into a terminable annuity, falling on that interest on the property liable to pay the capital sum.

1493. Do you not think on the whole it would be a desirable thing that this payment should be redeemed in a certain number of years?—I really think it is immaterial in a market point of view. It does not affect the principle nor the central authority.

1494. Supposing after about 50 years another improvement in the same neighbourhood was carried out which benefited the same property, and that the then owner of the property was paying the interest on the former improvement which had been done 50 years ago, do not you think that would be used as an argument that it is rather hard that he should have to pay another sum for another improvement of a similar character on his own property before the payment for the other had been absorbed?—I should think not, because the whole theory is that the enhanced value is ascertained at that date, and if, instead of paying it at once, you choose to postpone payment, or choose not to realize it, you could have realized it.

1495. I quite understand what the position is, but sometimes where the practice clashes with the theory the parties who suffer are rather inclined to complain of the practice, and not of the theory?—Take the case of the ordinary improvement of settled estates. It is perfectly

Lord *Belper*—continued.

analogous. The trustees borrow the money on the land. The money is lent, and they make the improvement, be it roads or anything else. The tenant for life has to pay the interest because he is in possession, and gets the benefit; but the permanent interest pays the principal.

1496. Take a case in point. As I understand, if money is borrowed on a settled estate it is invariably paid off in a certain number of years?—No, my Lord. You will find the words of the Act are quite different, and the charge is the charge on the fee. If you refer to the book of Precedents I handed in, you will find the words quoted from the Land Drainage Act, and other Acts, which expressly give the right of making these improvements which are defined in the Act as involving a great number of things, even the construction of railroads and canals, and it is charged on the fee.

1497. And the practice is to pay them off in a certain number of years, with the interest?—No, my Lord.

1498. I think you will find that is the practice?—It depends what is the nature of the improvement.

1499. All the land companies settle their money on those terms?—They have a power to do it in that way, and they do it, and I have raised plenty of sums on settled estates in that way.

Chairman.

1500. I do not know that we shall get further upon that. Certainly, the practice is very common that the noble Lord refers to, and you do not deny that?—I do not deny it. The moneys lent by those companies is lent under a special power for doing it in that way, but I have been concerned in proceedings in Chancery, and it has been the commonest form in administering estates in Chancery for the trustees to apply to make certain improvements and ask the Court's consent to raise the capital by way of mortgage on the fee, charging the tenant to execute the improvements, and the tenant for life pays the interest on the mortgage, but the fee bears the charge.

The Witness is directed to withdraw.

Ordered, That this Committee be Adjourned to Thursday next, at 12 o'clock.

Die Jovis, 7° Junii, 1894.

LORDS PRESENT:

Duke of NORFOLK.
Marquess of SALISBURY.
Earl of DENBIGH.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (*Earl of Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord LINGEN.
Lord THRING.
Lord FARRER.

THE LORD HALSBURY IN THE CHAIR.

MR. ANDREW YOUNG is called in; and, having been sworn, is Examined, as follows:

Chairman.

1501. WOULD you be good enough to tell the Committee what your experience has been as a valuer?—I have had an experience of close upon 30 years, principally in the metropolis and round the metropolis in valuing property for purchasing, for selling, for compensation purposes, and mortgage. I have also had the management of properties of different classes during that period.

1502. What is your exact position now with regard to the London County Council?—I am the valuer to the London County Council.

1503. Is that a permanent appointment?—It is a permanent appointment. I entered upon the duty in 1889, that is four-and-a-half years that I have been acting for them. Prior to that I held the position of surveyor to the London School Board.

1504. Was it by your advice that the first Bill was prepared in respect of the area marked out (I will so call it for convenience, though I know Mr. Harrison protests against the expression) in that Bill?—The Bill had been partly prepared and considered when I entered the service of the London County Council, and it was my first duty to report upon this matter. I was asked at that time to endeavour to mark out a boundary which would include certainly the whole of the property that was likely to be benefited.

1504*. Was your boundary in the first instance intended to indicate the property that was likely to be improved?—It was not supposed to define merely the property that would be benefited, but it was to be the area within which it was thought there was a possibility of the property being benefited.

1505. Then I will not say a probability, but a possibility of its being benefited?—Yes, a possibility.

Marquess of *Salisbury.*

1506. Did you receive any instructions of a negative character as to what you were not to include?—I believe the Committee, before I entered the service of the Council, had had the matter under consideration, and there was really an area in existence, and I considerably reduced that area.

1507. In which direction did the portion which you reduced extend?—Both east and west.

1508. Was it you who struck out the Law Courts and the Temple?— I struck out the Temple. I am not sure whether I struck out the Law Courts or whether that was done by the Committee. Somerset House was struck out by the Committee.

Lord *Egerton.*

1509. Did you include King's College Hospital, which was 800 feet from the Strand?—It was included in the area.

1510. Do you mean that it was included before you were instructed—Before and afterwards.

Chairman.

1511. That is to say, it was originally included, and you affirmed the inclusion?—I did not exclude it.

1512. May I ask, do you adhere to the opinion implied by that line, that there is a possibility of improvement within the line as marked out?—Yes, I consider the improvement then contemplated was such a one as would improve the whole of that district. There are, of course, improvements that will not affect more than the property abutting upon the new street, or the widened street, as the case may be.

1513. May I ask you to define it a little, when you say "the whole of that district," do you mean

Chairman—continued.

mean the district marked out by the line, or the whole district including something more than marked out by the line?—I would say that which was marked out by the line; I think the line would certainly represent (using an expression of Mr. Charles Harrison's) where the ripple would cease.

1514. Of course, I know in questions of value it is very difficult to lay down any abstract proposition to cover all you mean to convey, but would you say in what way you think the property will be improved; taking property in one of those streets that face St. Clement Danes going down to the Embankment; in what way would it be improved?—I think the property generally must be improved in rental value, more especially property that is now of a poor class. I think when the improvement is carried out the poorer property will be removed and a better class of property entirely erected in that district.

Marquess of *Salisbury.*

1515. Is that what you call improving the value, that merely increases the expenditure, does it not?—It would increase the value of the property, otherwise it would not answer the purpose of the owners to remove the existing buildings. You may take it that when existing buildings are removed by the proprietors, the land has then become more valuable than the buildings; and it is improvements of this kind that bring an increased value to the land.

1515*. It may be that the buildings are time-expired and that something must be built upon the property?—It may be that; but even then an improvement of that kind would hasten, I think, the removal of such a class of property.

Chairman.

1516. Taking as an example the street going from the Strand opposite to St. Clement Danes down to the Embankment, I think it is called Norfolk-street, you are familiar with the character of the houses, and so am I, and that is why I take it as an example; how would that property be improved by the Strand being widened and Wych-street being thrown into the Strand?—If the Council were to carry out the proposed improvement there would be one of the largest open spaces there in the metropolis, what you would term in Paris a *Place*; and I think the whole of the property facing that wide open space would greatly increase in value. The older buildings and smaller buildings would be undoubtedly removed.

1517. I think you must have misunderstood my question. It would not face the property I am referring to?—I was going on to explain that the character of the property changing in the main street would undoubtedly influence more or less the property immediately adjoining.

1518. Now you use the words "immediately adjoining"?—It would influence property in the streets immediately adjoining, and it would gradually fade away.

1518*. Is it your experience that taking down small houses and building large ones in that sort of way has been uniformly successful from a pecuniary point of view?—As a rule, yes.

Marquess of *Salisbury.*

1519. Do you mean that fine streets never have small streets behind them?—No, I do not mean that. I was asked whether the removal of small buildings and the erection of large ones generally had answered, and my answer was yes.

Chairman.

1520. I did not intend to so limit my question; it was rather with regard to your own evidence. Can you give an example in the metropolis itself where what I may call side streets have been improved in value by the creation of a big main street?—I think all along the Charing Cross-road, more or less, improvement has been taking place immediately adjoining the main street. I know that property in Soho and that neighbourhood has greatly improved in value; the ground values have considerably increased, and I can only take it that it has followed this improvement. There is one property there which I know which was only cottage property and could have been bought for 2,000*l.* or 2,500*l.*, and after the opening of the Charing Cross-road the owner had an offer and sold it at 6,000*l.*

Marquess of *Salisbury.*

1521. That is a case of improved access, is it not?—It is the improvement that brings that about.

1521*. But the Charing Cross-road has made an improved access to that Soho property?—This was not property immediately facing Charing Cross-road.

Chairman.

1522. I do not know whether you are familiar with the circumstances of Queen Victoria-street in the City. One is familiar there with the great number of side streets running from Queen Victoria-street up to Cheapside or St. Paul's Churchyard?—I think that is rather a different example.

1523. Can you give us any information as to whether those side streets have been improved?—There, I do not think there has been any improvement. The mere fact of being in the City of London gives value to the property, and beyond the main thoroughfare I do not think there has been any improvement.

1524. Queen Victoria-street itself was an improvement of a more direct kind on to that property. Can you tell us whether it has been successful as a commercial speculation?—It has been considered successful.

1525. I mean, in your judgment, has it been successful?—Yes; I think it has been.

1526. Have you any facts you can give the Committee upon which you base that opinion?—I could not give you the facts at the moment. I have looked through the figures in connection with the dealings of the Metropolitan Board of Works, and I know what the value of the land was before the road was made, and I know the price that has been realised since; and there has been a general rise——

1526.* I gather you have not the facts before you at the moment; if you could give us the facts with reference to that property hereafter, it

Chairman—continued.

it would be convenient to have them before us?—I will endeavour to do so.

1527. Do you know anything with regard to Victoria-street in this immediate neighbourhood?—Yes.

1528. Can you say anything about the improvement or non-improvement of the side streets abutting upon Victoria-street?—That improvement has only taken place during the last ten years.

1529. How long ago was Victoria-street laid out?—I should say approaching thirty years or perhaps more than thirty years. There I think they are beginning to gain experience from other parts of London. When Victoria-street was made, I think it was one of our first improvements. Immediately adjoining Victoria-street was some of the worst property you could find in London; and it is only of late years that people have had the courage to remove that class of property and put a higher class of property upon the land. You will find this going on in other parts of London; for instance, if you go to Chelsea——

1530. Will you kindly confine yourself for the moment to Victoria-street; we will go to Chelsea presently. You say, improvement has taken place in the last ten years; what improvement has there been in the side streets?—Lying behind Victoria-street large buildings, residential chambers, and flats have been erected.

1531. Do you mean the tall house of some 12 storeys opposite St. James's Park-station?—I am not speaking of Queen Anne Mansions, but of smaller properties than that.

1532. Whereabouts?—I mean the property between the Army and Navy Stores and Queen Anne's Mansions, which is being gradually built upon.

1533. Taking the street in which the Aquarium is situated, has that been improved?—I am not prepared to say that that street has been improved.

1534. Taking the other side of the road, Rochester-row, has that been improved?—Yes, there has been improvement in Rochester-row; they are now putting up a different class of buildings from what they were putting up some years back.

Earl of *Onslow*.

1535. Do I understand you to say that the property between the Aquarium and Victoria-street has been improved?—No; I was asked whether the property leading from the Aquarium towards Queen Anne's Mansions had been improved, and I said I did not think it had been improved.

1536. Do you think that the property immediately adjoining Victoria-street, lying between it and the Aquarium, has been improved?—There is a little more improvement between Victoria-street and Tothill-street, immediately abutting on the property facing Victoria street.

1537. Surely there are some small back streets?—There is not very much improvement, but there is a little. My answer was, I do not think it has been greatly improved.

Lord *Belper*.

1538. I understood, from what you stated just now, that you did not consider any improvement had taken place in the value of the property adjoining Victoria-street till the last 10 years?—Quite so.

1539. Therefore for 20 years after the improvement was carried out, there was no increase in the value of the neighbouring property. That is what you mean, is it not?—That is what I mean, but I can readily understand why that was. The owners had not the courage to do what they have been doing of late. Owners of property have been watching the results of other improvements in London, and have gained from experience in other parts.

Marquess of *Salisbury*.

1540. I understood you to say that improvement will only follow in the back streets if the owners have courage; are you quite sure that the owners have courage on the north of the Strand?—I think they will have courage when the improvement is made.

1541. You have no special knowledge of them?—I do not know the owners.

1542. Before you leave this district, I want to ask you a question with respect to the immediate neighbourhood of this building. You said that the improvement in the Strand would have made a very large open space, the largest in the Metropolis, and that that would have the effect of improving the buildings behind towards the south. There is a very large open space here in front of Westminster Hall, Abingdon-street I suppose you would say was improved; but would you tell me that all the buildings beyond, away towards Horseferry-road, were improved?—No, I do not think the open space here is of great value to property, because it has not brought to the locality trade and business. I think the making of the open space may have had a tendency to remove business from this part.

1543. Then it is a very precarious and doubtful matter whether a great open space will improve property?—An open space in itself would not necessarily benefit property.

1544. What caused you to assign to the open space near the Strand this special value?—Knowing its central position I say undoubtedly it would have a very different effect upon the property from what the open space in Abingdon-street would have.

1545. In the case of Queen Victoria-street, though it was very central, it did not improve the property behind; apparently that was too central and Abingdon-street was not central enough?—The class of property behind Queen Victoria-street was not such that it could be greatly improved. They have already very high rentals from that property. But on the north side of the Strand you have property of a very poor description, comparatively speaking, producing only small rentals, and immediately the improvement is carried out I am convinced the whole of the property will change in character.

Chairman.

1546. Take the street the name of which I do not remember going up to Bow-lane, which I remember for a good many years as being in the same condition as it is now ; do you know anything at all about the rentals there. You spoke of certain houses in the City not being improved by the opening of Queen Victoria-street, because they had been already improved?—I do not say they had been already improved, but all property in the City of London produces a high rental, and unless the character of the property is greatly improved, or the access is improved, I do not think you will get higher rentals in the City of London. The street your Lordship refers to is still a narrow street, and I do not think it is capable of having a better class of property erected there.

1547. I misunderstood you. I thought you suggested that there had been already a better class of property erected, and that, therefore, it could not be improved?—I say that it is a property that is already producing a high rental, and in that case they could not afford to destroy it: neither would it be suitable, seeing that the approach is so narrow.

1548. It is a narrow street, but now it has Cheapside on the one side and Queen Victoria-street on the other?—It is only suitable for a certain class of business.

1549. Now you are introducing another term. Do you include in judging of future improvement the suitability of the particular class of buildings for a particular trade?—That always enters the mind of a valuer.

1550. Therefore, he must conjecture what trade will be there established?—He will have that in his mind.

1551. In the case of Holywell-street, with its old book shops and tobacco shops and things of that sort, do you assume that class of trade would continue if the north side of the Strand were improved?—I do not.

1552. What kind of trade do you assume would be established there?—I could not specify any particular trade, but I should presume trade of a much higher class.

1553. Is there anything you yourself would like to point out with respect to any of the districts you have been asked upon, which in your judgment ought to affect the opinion of the Committee?—I think I have explained fairly well my views upon the various districts.

Marquess of *Salisbury.*

1554. With respect to the Cromwell-road Improvement, did you draw out the line there?—In that case I was asked in the first instance by the Improvement Committee to report to them what property I considered would be especially benefited by the construction of the Cromwell-road Bridge. I went over the district on several occasions, and prepared a report and a map showing the property which I considered would be benefited. The property furthest distant was about half a mile from the bridge. That being so the Committee themselves decided to adopt a half-mile radius.

1555. Without any reference to your report?—With only a reference to this extent, that it included the whole of the property I had reported upon.

Marquess of *Salisbury*—continued.

1556. And something else?—A good deal more.

1557. With respect to which they had no information whatever?—I had reported to them that I could not say that in my opinion it would be undoubtedly benefited.

1558. They were only struck with the value of the circle as a line?—They considered it was an arbitrary line, but they felt that the various owners would not be in any way prejudiced by having that line drawn. It was rather a line for the purpose of limiting the area of the inquiry.

Chairman.

1559. That was not so in regard to that particular improvement, was it?—Yes.

1560. I understood from Mr. Charles Harrison that it was otherwise with respect to that particular improvement?—No, it was merely fixing a line to limit the area within which an assessor or an arbitrator could fix the charge.

1561. I quite understand that that is so with regard to this present Bill; and I suppose I misunderstood the evidence if you say so; but I understood that in the Cromwell-road case it had reference to the proportion which was to be contributed by the County Council and by the parish authority and the owners, and that it was taken with the view to raising that one-third contribution?—They proposed to raise one-third amongst the owners, and I reported that I considered there would be a very large margin even upon the property that was marked upon the map accompanying my report.

Earl of *Onslow.*

1562. You also advised on the area of the present Bill, I suppose?—I did.

1563. You said that the principle you adopted was to select an area, as I understand, beyond which the ripple of betterment would not go?—That was so in the case of the Strand. It was considered that our area was too wide in the Strand. We had included everything that it was possible to benefit, as I considered, in the Strand, and we had included some that would not be benefited. When the Improvements Committee considered the Tower Bridge Approach Scheme they asked me to report in regard to the property that I considered would be undoubtedly benefited beyond that which would be required for the works.

1564. And you reported, did you not, that all the properties included in the present limits of deviation would, in your opinion, be specially benefited?—Yes.

1565. Did you consider whether any property outside that area might be benefited?—I think there may be property outside that limit benefited; but at this stage I should be very sorry to speak positively on the matter.

1566. Then the object of the line of 1893 and 1894 was to include only such properties as you were certain would be benefited; but the earlier line was to include all properties that might be benefited?—That is so.

1567. If

Chairman.

1567. If it would not be inconvenient to you to postpone the rest of your evidence till later, it would give an opportunity for Mr. Fletcher Moulton to conclude his evidence now?—Certainly.

Chairman—continued.

MR. JOHN FLETCHER MOULTON, Q.C. (a Member of the House of Commons), having been re-called; is further Examined, as follows:

Chairman.

1568. I THINK, in the evidence you gave on a former occasion, you had reached the part of your examination where you proposed to deal with the question of worsement, which you thought was very important, but which you had not time to deal with then?—Yes.

1569. Will you give us your views upon that question?—The word worsement may be used in two senses, exactly corresponding to the two classes of betterment to which I referred at the commencement of my evidence. There is the case in which you take the lands of a person, and there is the case in which you do not take any lands or interfere with him in any way. In the first case, where you take the lands of a person and claim that you have the right to set against the price paid the special advantages, or a portion of the value of the special advantages which he gains by the improvement, it appears to me absolutely essential to justice that he should be entitled to say, "Ah, but there are disadvantages which I specially suffer from the improvement, and you must not merely take into consideration the advantages that I get specially, but you must set against them the disadvantages I specially suffer." I do not think in a case like that a public body ought to have any right to a portion of anything except the net betterment, in arriving at which worsement is set against betterment.

1570. Does this Bill provide any such set off?—I do not think the present Clause deals with that. I was, I think, asked about it last year before the Committee, and I think I substantially gave this answer, and if I remember rightly the counsel who represented the promoters expressed themselves satisfied with it. I certainly think that that ought to be a feature in the introduction of the principle of betterment. In the case of the present law a person who has lands taken is entitled to claim worsement, but you cannot set off against that worsement betterment. You may be able to show that the value of the property is enormously improved by the improvement, but supposing that any portion of the improvement interferes with any right he possesses, he is entitled to have the full compensation for interference with his rights and the full price of the land he sells, without any notice being taken of the advantages which at the same time he gets; and you see cases in which a person gets compensation for property the value of which is largely increased by the improvement.

1571. Is not that because his own land is taken and he is entitled, upon the theory of a "willing purchaser" (I will not go into that point again), to the advantages which he shares with the rest of the public?—It applies not only to land being taken but it also applies to interference. For instance, supposing a public improvement interfered with the light of some of his windows, but at the same time gave to the property a very much better position, so that the total effect on the property would be to increase its value, he would be entitled to full damages for interfering with the light of those windows without giving any credit for the possibly much greater advantage derived from the general improvement.

Chairman—continued.

1572. But the theory upon which he would get compensation for the interference with his lights would be that it was an interference with an existing legal right?—Certainly.

1573. A man has a right to that, but he has no right to an improved or a worsened position; the two cases are therefore in two different categories. In the one case you are interfering with a man's rights, and in the other case there is no right for a man's house to be either in a wide open space or in a close and narrow one?—I was not suggesting that the present system was one that could not be put on a logical basis. You pay for the rights you interfere with; you make no allowance for advantages gained. I think what I suggest is much fairer; that you should allow for advantages gained, but in that case you should allow for disadvantages also.

1574. I was not questioning that, but you began by saying that you were pointing out the state of the law; I reminded you that the state of the law was based upon the interference with rights in the one case, and that it was only a supposed advantage in the other case; and if the property was worsened the man would have no legal right to complain?—Certainly. I did not at all intend to indicate that that was not so. I think the just method would be, that when you interfere with a man in any way the questions of betterment and worsement should both be considered, and certainly nothing but the net betterment should be capable of being claimed. At the same time I think betterment ought to be set-off against persons who are claiming to have compensation for interference. Now, a more difficult question arises where there is no interference at all with any legal rights, as, for instance, supposing there is an exceedingly crooked way and a person's house is situated there in a frequented thoroughfare; supposing the public authority cuts through and makes a new and direct line of traffic so that this house is left out, and its situation is of less value. I can quite believe that there are such cases which are distinct cases of worsement, in which there is a special depreciation of value. I do not think that we ought to go so far as to deal with those cases. But before I give my

Chairman—continued.

reasons for that I should like to point out this: many persons have spoken of this question of betterment where you do not deal with worsement as though it was a kind of wrong to the person who is worsened; but I would point out that betterment would lessen that man's burdens not increase them, even if you did not take any notice of his case, because it would lessen the total cost of the improvement by making it more nearly the net cost rather than the gross cost. Therefore, as regards a person who has no lands taken, I say his position is bettered, not worsened, by the application of the principle of betterment in the form in which I have been putting it.

Marquess of *Salisbury.*

1575. But his position is worsened by the improvement, taken as a whole?—Yes; but I am dealing at the moment with the supposed wrong of granting the one without the other; and I say that betterment, so far as I have been advocating it, does not aggravate his position, but benefits his position.

Chairman.

1576. I do not quite follow that. Let me take the case you put. Suppose it is a public-house; I only take the case of a public-house, because it is supposed to have a peculiar value in respect of being at the corner; suppose a public improvement puts that man in an isolated position, whereas, before he had a thoroughfare going by the house; I do not know whether that does injure the public-house, I have heard it sometimes said that it does; assuming that it does, your public improvement leaves him isolated, why is he not worsened?—I did mean to say anything to the contrary. He is worsened in that his property is of less value, but what I am saying is that that is no argument against the application of betterment, so far as I have been putting it before the Committee; because his position would be bettered by the betterment being applied and not worsened by it.

Lord *Lingen.*

1577. You mean being applied to other people?—Yes. The question as to whether or not you ought to include worsement where land is not taken is not an argument against betterment as it is put forward. If anything, it is an argument for going further, but it is in no sense an argument against going so far. It is rather a difficult point, and I daresay I have not made it clear.

Earl *Cowper.*

1578. If both the properties belonged to the same man, and one is bettered and the other worsened, it would seem unfair that the bettered property should have to pay while the other property would receive nothing?—That is the case I have been referring to before, where, as I say, worsement would be granted as a set-off.

1579. Then you are now referring to a case where the properties belong to different owners?—I am speaking of the case in which no claim for betterment is made against a man and none of his property is interfered with, and none of his land is taken; in all these cases it appears to me that the public body must take the net result; it must not claim betterment without facing worsement; but I say that where no——

Earl *Cowper*—continued.

Chairman.

1580. Let me interrupt you for one moment upon that, because I think I begin to see what you intend to convey. Supposing the case I put of a public-house, of which the public-house keeper has a lease with reversion; though the property might be in one sense improved by the public improvement, the occupier, being the leaseholder, would probably be worsened?—Yes.

1581. I follow your argument with respect to the difference of persons. It might be that the owner, by turning the house to different purposes than a public-house, might get an improved value; but, as regards the leaseholder who lives upon the profits of his trade, he would be worsened?—Yes; but then, according to the scheme of the clause, no claim for betterment would be made at all against the leaseholder who was worsened; that, at any rate, ought to be, and, I think, that is the effect of the clause.

1582. There is a little doubt whether it carries that out, at all events you think that ought to be so?—Yes. I am not upon the wording of the clause at the moment, I want to fix the principle first. The only case that appears to me, therefore, to offer special difficulties is the case of a man against whom no claim is made for betterment, and in whose case no land is taken, and no land is affected by an improvement which has been made (if I might put it so), without consulting him, or without his consent being necessary, but which does him harm in some way such as I have referred to, as, for instance, by the making of a direct route instead of an indirect route. The first thing I wanted to make clear was that such a case as that is not an argument against giving betterment, as far as I have been advocating it, because his position would be bettered by going so far. It is only a question of whether we ought to go further. I say the people who are in this position are bettered, and not made worse by applying betterment, so far as it is applied in the clause; I do not know whether I have made my meaning clear.

1583. You mean one man is not made worse because another man is bettered?—I will put it in this way; suppose there is a man who would lose 1,000*l.* by the traffic going straight instead of going round by his house, as it used to do before the improvement; suppose the cost of that improvement was 20,000*l.*, and suppose that the betterment deduction for that would be 8,000*l.* (I am just taking those figures for the sake of an example), he would have to bear his share of the burden of the 12,000*l.* if you applied betterment; whereas he would have to bear his share of the whole 20,000*l.* if you did not apply betterment. So that applying betterment, so far as I have been putting it, does not aggravate the position of that man

Chairman—continued.

man, it benefits him. Therefore, as regards those people who suffer without their land being taken, I say their case is no argument against betterment. The only question is, is it a sufficient argument to go further?

Marquess of *Salisbury*.

1584. Is not a public body in an inconsistent position if it asks to be paid for the good it has done and declines to pay for the harm it has done?—I do not think it is. That is a question I would deal with now. I do not think a public body, if it gets the permission of the Legislature to carry out an improvement, ought to be in a worse position than an ordinary purchaser would be. It does not interfere with these men in the case I put at all, and I think we may fairly take for the public body this position: that no man has, if I might say so, a vested interest in improvements which do not affect his property not being made. He has no right to say that it is a part of his property, or an element of value in his property, that there are things which might be improved to the public advantage by which he benefits. I think the right of the public to make these improvements should be admitted where the Legislature allows it; and therefore I think it is going too far to say that you will consider, as part of the value of the man's land for which he shall be compensated if it is destroyed, that it profits by the undeveloped state of the neighbourhood.

1585. You are merely shifting the responsibility from the public body to the Legislature, are you not?—No. As to the responsibility of carrying out an improvement, whether the public body has got it inherently or whether it has to go to Parliament specially for it, the question whether the improvement should be carried out is one to be decided by the benefit to the whole community. I will assume that it is decided in favour of making the improvement.

1586. Subject to conditions as to the justice of the powers?—Yes, subject to such conditions. I do not think one of those conditions is that you should, as it were, regard as an element of property which should be paid for when destroyed, that it benefits by the unimproved condition of the neighbouring property. Consequently, I think the right way is to take betterment, so far as I have been advocating it, and to take worsement, so far as it affects people against whom a claim for betterment is made, or whose property is taken, or whose property is affected; but I do not think it is necessary for justice, or that it is right, to go further and to say that because a man's property without being affected in any way is lessened in value by a public improvement, you ought to compensate him for that.

1587. Take the case of a great drainage scheme of which the effect was to take away a stream that a man had been accustomed to use; do you not think he would in justice be entitled to compensation. You will remember we are now upon the question of abstract justice?—Your Lordship means taking away a stream which he, in common with the public, had been accustomed to use?

Marquess of *Salisbury*—continued.

1588. Yes, but which was specially valuable to his land?—That would be rather an extraordinary case.

1589. It is very easy to divert a stream in the course of carrying out a great drainage system, is it not?—It is a question that I have never considered, and it is a question with great peculiarities. If he used it simply as a highway just as he used the roads, I should say he would not be entitled.

1590. Supposing he used it for irrigation?—I can scarcely imagine that, without its being protected by rights, in which case, of course, you would compensate him for the rights.

Lord *Thring*.

1591. Supposing he used it for drinking?—Then I think he must be a riparian owner, or else he would have no right at all.

1592. He might have an easement?—Then of course you would compensate him. Then you get to property at once; but the case I am dealing with is where no rights of property at all are interefered with, but the neighbourhood is dealt with in a way which does not require his consent except as a member of the public, and by which the special advantages of his property are diminished.

Lord *Belper*.

1593. I want to quite understand what is the principle upon which you propose to give worsement; do you mean that you would make the power of recovering for worsement attach to the particular property that has been bettered, or that it should attach to the owner of any property who has had to contribute to betterment?—I think in a case where you make a claim against a man for betterment, he has a right to set off the worsement of that property or any property he holds.

1594. Supposing he had two properties and one is bettered and the other worsened, he would be able to set off the worsement of one property against the betterment of the other?—I think that is fair.

1595. The effect might be this: supposing an improvement was decided upon and about to be carried out, and one man had property that was going to be bettered and his neighbour had property that was going to be worsened, you would have to pay nothing for worsement if the properties belonged to different men; but if in the meanwhile before the improvement was carried out the first man purchased the property, you would have to pay worsement for that property, because it belonged to the owner of property which was bettered?—May I say that the same difficulty exists now. I do not care much whether it is given up in both cases or maintained in both cases. In the present state of the law supposing you want to buy a piece of land belonging to a person, he can claim any damage to him in respect of other property which he holds which is affected by the improvement. If it belonged to other persons they would not be able to claim in respect of the damage at all; so that we have had for many years that very same difficulty.

Lord *Belper*—continued.

1596. That is only in the case where the property is going to be purchased. As I understand the law, at present no owner can claim for worsement unless his property is going to be directly affected by purchase or some interference with his legal right?—Yes.

1597. In the case you propose he would not be able to claim for worsement under the law, but worsement could be claimed for that property if it was purchased by a man who was going to be dealt with under the betterment clause?—Yes, just in the same way as now if the property was purchased by a man whose property was going to be taken, he would be able to claim for injury to that property on account of works going to be done, though nothing could be claimed for it if the property belonged to somebody else. I would put the claim for betterment on the same level as taking or affecting a man's property, so far as the right to bring in worsement is concerned, and I would go no further, because I think that would fairly meet the justice of the case.

Chairman.

1598. You speak of that principle, which, no doubt, is true as to the application of the Lands Clauses Act; but let me remind you that we are dealing here with questions of abstract justice. Has that state of the law with regard to injury to the property of people whose land is not taken been always recognised as just? Have not very high authorities condemned it as unjust though they have felt themselves bound by the exact language of the Statute?—I should be perfectly willing to accept the position that both for betterment and for purchase the properties should be considered absolutely independently, and that every property should be considered as belonging to a different owner; but so far as they both go, if you maintain the principle in the one case I do not think it introduces more difficulties to maintain the principle in the other.

1599. Still, in the case put to you, it is a mere accident, the same owner owning the two properties?—So it is in the other case.

1600. Certainly; that is under the wording of the Lands Clauses Act; but you are assuming it as a matter of abstract justice?—It makes the matter much more simple if you take each property as belonging to a different owner in both cases.

1601. Apart from a set-off is there any reason you can suggest why worsement should not be treated as worsement, whether the owner is otherwise bettered or not upon the betterment basis?—Yes; if there is no question of betterment and no question of taking the property, so that it is only that the public have improved the property lying near it, I think one may say fairly that a man has no right to estimate as a valuable element of property (for which he ought to be compensated if it is taken away from him) that which he enjoyed only by reason of the fact that the public had not improved to the full the neighbouring property. I do not think you need go so far as to deal with a case like that by way of worsement.

Chairman—continued.

1602. One could understand the contention if you were dealing only with legal rights on either side; but you say that so far as betterment is concerned, in your judgment you ought to tax for betterment, although no legal right is interfered with at all?—In betterment I think it is a question of what I may call the statutable contributary that a person who will benefit so much, we assume, may be held wisely and rightly to be willing to contribute towards the cost.

1603. The expression "statutable contributary" may be misunderstood to refer to what is called the contributary; but in those cases it is essential that the person should have consented to become a contributary?—Just as in the case of purchasers of property you make a statutory voluntary-seller out of a person who does not want to sell, so you are making a statutory contributary out of a person who does not want to contribute; in both cases taking care that he gets for his property what is its fair value, and makes as his contribution nothing but what a prudent person may be regarded as willing to contribute. Neither of those cases apply at all to the case of worsement with which I have been dealing; namely, the case of a man whose rights are not affected in any way, but where the public have resolved to improve some property that lies near in a way which either they themselves, having the power, have approved of, or the Legislature has approved of. In illustration, I will give an example which came under my notice of injury done by an improvement. It was the case of Rosebery-avenue. There the avenue cut through some very wretched property which was the habitation of the customers of a small public-house, which was rather a dilapidated building, but which had a fairly good trade, almost exclusively drawn from this very poor neighbourhood. The avenue destroyed that neighbourhood, and turned it into a very good class of property, and the consequence was that this population left, and the public-house suffered. The fact of the neighbourhood being a low one (though it may have been for the moment an element of value in the public-house) was changed by reason of a public body improving the neighbourhood, and I do not think it would be right to compensate people for advantages which they only derived from the unimproved character of the neighbourhood.

Marquess of *Salisbury.*

1604. Let me call your attention to what the Legislature actually does, not for the public-house, but for another class of people affected by the proposed avenue, namely, the occupying tenants. Of course the improvement takes away the occupation, but besides that, it makes the opportunity of getting other lodgings very much smaller in the district than it was; that is an incidental evil. But the legislature steps in, and says, "You shall furnish new habitations for these people who have been worsened?—That is done not quite from the point of view of property, I think, because these people who had been disturbed had no prior rights of tenancy to these new houses; it is only to take care that these

Marquess of *Salisbury*—continued.

these improvements do not destroy the class of property which these people would require to use for their habitations.

1605. That is an incidental injury?—Yes; but I do not think they are compensated in any way as a question of property, because otherwise they would have a prior right to have the tenancy of these new buildings.

1606. But as a question of justice?—I do not think it is a question of justice, if I might say so, at all. I think it comes under another branch of public policy; it is to take care that populations of that kind are not driven from those localities, and prevented from living in those localities by changes of the particular kind under consideration. I do not think it reserves any property to anybody; I do not think it compensates anybody for loss; but it does prevent that class of the community, as a class, being driven from those localities.

1607. It may not supply the property that has been destroyed, but it does supply opportunities that have been taken away?—Yes.

Chairman.

1608. Is there not a little rhetoric in your phrase a "low neighbourhood." They are poor people, and the improvement at Rosebery-avenue is an improvement to the whole metropolis. I should have thought that these people were quite content to live in their small houses and so bring custom to that public house you speak of. If they were consulted, they would probably have objected to a great road being driven through the property and driving them away?—Yes; I do not know that I used the words "a low neighbourhood." I think I said a poor neighbourhood. I did not mean to use any epithet which would reflect on that neighbourhood at all, and I did not know that I did. I certainly meant to say "a poor neighbourhood," and perhaps the Committee will allow the evidence to be corrected if I used the word "low."

1609. I do not want to bind you to any one word; I was referring to the principle you seem to have adopted rather than quarrelling with a particular word?—From what I learnt it was certainly a neighbourhood which was not in a condition which one would like portions of the town to be in. I believe the houses were poor, and in not very good condition. I do not say it was absolutely insanitary, but it was a very undesirable neighbourhood for anybody who could live outside.

1610. That is true; but you must have heard before now that one of the great difficulties of dealing with these very crowded blocks is that you do drive an enormous number of people away who cannot get lodgings in the neighbourhood of their work, even with the attempt that the legislation has made to remedy that evil in regard to the supply of lodging houses?—I have often had to consider that, and I know it is a very serious question.

1611. Is it not true that the improvement is directed rather to the metropolis as a whole than to the particular neighbourhood?—Certainly; it was simply in connection with the improvement of the Metropolis, as a whole, by sending Rose-

Chairman—continued.

bery-avenue through this neighbourhood that it was destroyed. It was not the intention of Rosebery-avenue to destroy it, but it was the consequence of Rosebery-avenue being driven through it.

1612. Exactly. Taking that case as an example, would it have been just, in your view, to have a betterment area fixed on the side of Rosebery-avenue?—Yes, I think it would. I have not the slightest doubt that the value of the property very much increased, and that that was the reason these poor people's habitations were taken away, in order that a better and more remunerative class of property might be built upon it.

1613. Do you say "in order that a better and more remunerative class of property might be built upon it"?—I think so.

1614. Do you mean that was the object?—No, that was the consequence.

1615. You said "in order that"?—What I mean is that I have no doubt that the houses were removed in order that a more remunerative class of property might be built there. I did not mean that Rosebery-avenue took up the whole of this locality, but that Rosebery-avenue going through it made this locality too valuable for that particular type of property, and the consequence was that the class of property in the neighbourhood was changed; these old houses were taken away, and the place was rebuilt in order that it might be built with a more remunerative class of property, so that really the property may well have been benefited.

1616. Are you speaking of fact or theory here; do you know whether that has happened?—Yes, I am speaking from experience; I happen to know the facts, because I was connected with the compensation case which arose out of it, and the circumstances therefore were put before me.

1617. I mean as a matter of fact?—As a matter of fact.

1618. Your view would be that the houses in the immediate neighbourhood of Rosebery-avenue have been, as a matter of fact, re-built, and their rental value increased?—In some parts certainly they have.

1619. Could you tell me what parts? I will tell you frankly why I am asking. I want to see if we can test it by the facts?—It is some years ago, and I cannot tax my memory; no doubt I could find the property to which I referred by a little inquiry, but I cannot tax my memory with the name of the locality.

1620. We will ask Mr. Young, he may be able to tell us?—Probably he will, he may remember the particular case. But certainly it was a case in which a public-house was distinctly worsened by the change in the character of the neighbourhood; and what I say is that I think it is going too far to look upon that as a thing for which compensation should be given. Therefore I would restrict the consideration of worsement to the three classes I have referred to.

1621. Would you apply the same rule to betterment; unless it can be shown that some special benefit was conferred upon a particular building would you say betterment ought not to

Chairman—continued.

be exacted if it was only a general improvement in a poor neighbourhood?—No, certainly not; because with regard to betterment, I think betterment is a contribution which we have a right to require for the purposes of helping us to make an improvement.

1622. Allow me to say you begin at the wrong end, when you say, "which we have a right to require." That is the whole question?—I will put it in this way——

1623. Your contention is that worsement is only to be recognised where there is a specific injury to a particular building, and not where there is only an alteration in the character of the neighbourhood. I want to know whether inverting all these phrases, we are to apply the same proposition to betterment?—Where the alteration in the character of the neighbourhood is not directly connected with the improvement, some difficulties might arise; but where it is the natural consequence of the improvement I should certainly apply betterment. But as I have pointed out, I think the main question——

1624. I do not wish to interrupt, but the words "natural consequence" are again words that require exposition. If worsement is the natural result of an alteration, would you recognise worsement?—No, I certainly should not, if it was not an interference in the way I have described. But an important fact, as I pointed out before, is, that the non-recognition of worsement is no argument against recognising betterment.

1625. That is another matter, I am not dealing with that at present?—Quite so.

Lord *Thring*.

1626. I do not follow your argument where it stops short in making worsement co-relative with betterment. Take the case of the public-house that you have referred to, I quite understand that the consequences in the case you put were too remote, as we call it in law, because the amendment of the neighbourhood was a remote consequence. But if I remember rightly under the "injuriously affecting" clause in the Lands Clauses Act, there was a case in which the Courts held that a publican was entitled to get compensation because his beer was injured in the cellar by the traffic, or something of that sort; but that on the other hand a diversion of the traffic ought not to be compensated for?—Yes.

1627. Is not that obviously against natural justice. A mere technical right is injured in the one case, and in the other an injury and a much greater injury, I will assume, is practically carried into effect; is it justice that that state of law should continue. I should have thought that "injuriously affecting" ought to be extended to cover that?—If there is no interference at all, I do not think a person has any vested right at all, or any right to require that an inconvenient state of a neighbourhood by which he profits should remain.

1628. I do not follow you. In one case a certain injury is held by the Court to be done to the property, and the man is compensated; when a much greater injury is done by diverting the traffic why

Lord *Thring*—continued.

is it not just that compensation should be awarded in that case also?—Of course it is a question of opinion, but I confess I do not see any reason why a man should say, "I have a right for ever to have the traffic going by me, because it does so at this moment."

1629. I do not say that. Take the case which the Marquess of Salisbury put of the diversion of a river; you are well aware, are you not, that in many places, especially in Scotland, you may have a street running along a river with a bank down which the people go to dip for water, and carry it up to the houses, there is no right to put a pipe through the soil; but they habitually supply themselves with water from the stream, which stream is therefore of great consequence to them. As I understand you, if I have a right in house A. to put a small pump with a pipe down to the river I should be compensated, because a legal right or easement is disturbed by the diverting of the stream, but all the people along the bank, if they have no right to put down a pipe, though they have the right to go down to the river for drinking and other purposes, would not be compensated?—I think it is most probable that before one could get leave to make that change their rights would be considered, and one would be obliged to compensate them.

1630. I ask is it not justice that they should be compensated, notwithstanding they have no technical right, or have not got an easement to put down a pipe?—My own view would be that, whether you call it an easement or not, it was practically an easement, and I think it would be considered a case in which some provision should be made for them. It would probably be met by requiring the persons who were going to make the improvement to in some way or other make up for the loss of water, not by payment, but probably by giving some supply of water to make up for the loss. That is the sort of question which perpetually comes before Committees in dealing with private Bills, and there are many cases where persons have easements or quasi-easements of that kind which are considered in the terms on which permission to make the improvement is given.

1631. I follow you quite on your doctrine of betterment, but I think you are straining technical terms of rights of property to an undue length when you say that the mere fact of having a technical right of property such as a pipe should entitle a man to compensation, and that, not having it, should deprive him of compensation?—I think there are probably many cases in which there are special advantages of that kind, which, technically, would not be called rights, but which are of an exceptional kind which would be considered in the Bill itself which gives permission to make the change; but my suggestion is rather that they are rights of property which are not recognised as rights of property than anything else.

1632. Is it not a question of degree; looking at it as a matter of abstract justice, in the construction of the words "injuriously affecting" (with which I was once very familiar, and with which you are now no doubt very familiar), have not cases of moral injustice constantly arisen because the

Lord *Thring*—continued.

the expression "injuriously affecting" was not extended to include what we may call "moral rights" or practical rights as apart from "legal rights"?—There may be questions of rights or at least advantages outside of what are technically called "rights of property" in individual cases which should be added for that purpose; but it is impossible to take the whole class and say that moral rights are to be compensated for which are not legal. It must be exceptional, and peculiar rights or privileges, or advantages must be tabulated, if you get outside that which the law recognises.

1633. Does not in fact the same argument apply to betterment as to worsement. Are there not questions of degree, and if strict justice or moral justice requires that betterment should be given in certain cases quite independent of the rights of property, it also requires that worsement should be given in certain cases quite independent of the rights of property?—And even to this day cases of that kind arise and are dealt with by the Committees who are dealing with the Bill; they are dealt with specially and in particular cases.

1634. Justice requires that they should be dealt with, does it not?—It may be.

Marquess of *Salisbury.*

1635. Then worsement may be dealt with by a committee, but not by an arbitrator?—Worsement of this kind I do not think has any title to be considered, except in cases which are so exceptional that they are dealt with by the Committee on the Bill. Worsement, as a set off to betterment, I have already dealt with.

1636. The real effect of your doctrine depends, does it not, upon the latitude that you give to the exceptions?—I do not think it does. The only difficulty that arises as regards the application of betterment is in the case where there is worsement without any betterment. In the ordinary case, such as the loss of traffic, and things of that kind which arise, I do not think they give any moral right to consideration at all, because I do not look upon the fact that a man is profiting at the present moment by the absence of improvement in the neighbourhood as a right which he is entitled to have for ever. That is the ordinary case that arises. Such cases as have been suggested with regard to the privilege of drawing water from a stream appear to me to be cases that would be considered cases of "rights" if it was not for certain technical principles in our law.

1637. Take the case of a hotel with a beautiful view whose custom depended entirely upon the view; the view is no legal right; would you consider that a case of worsement that ought to be considered in the case of a public improvement destroying the view?—That is a case which enables us to test it. If the surrounding property is his on which it is proposed to put up something whereby his view will be interfered with, he may fairly say, "I have the property and I will prevent my view being interfered with." In that case it is worsement which will be on my principle considered.

Marquess of *Salisbury*—continued.

But if he has got a piece of land which chances to have that view without any protection for it, he could not prevent the view being destroyed by any private person who had acquired the property, if he chose to destroy it, and I do not see that the public ought to be in a worse position than a private person if they are doing it for the public benefit.

1638. Do you not think that a particular obligation is incumbent upon the public to compensate, because the public alone is in the condition to effect these large injuries to private individuals of an incidental character?—It may be that there are cases of that kind, but I think they will be exceptional cases which, as I say, are dealt with in the Bill that gives them the power. I do not think, as a rule, the fact that the injury comes incidentally from an improvement to the neighbourhood is a thing to be considered. There are several cases one can imagine; take the case of the straightening of a road; supposing there is, as in many cases there are, roads coming down to rows of houses, stopping there and beginning again on the other side of rows of houses, the consequence being that the traffic has to go all the way round; if incidental injury is caused to any person by the very sensible operation of making a straight road there, by buying the house that stands in the way, I think it would be going much too far to consider worsement in a case like that. You might just as well claim that you ought to compensate an innkeeper or a postmaster because you permit a railway to be made. So far as I see they have neither moral nor legal right to expect that they would perpetually have that privilege.

Lord *Thring.*

1639. It is admitted in law that the consequences of that are too remote, but it does not follow that where the direct consequence is worsement that should not be compensated for?—No.

Chairman.

1640. Is there not a little fallacy in your use of the word "improvement." Every now and then you use the word improvement. That is a word that is relative; it may be an improvement in respect of the City as a whole, but although in the sense of giving facility of access, greater possibilities of traffic, and so on, it may be an improvement, yet it may indirectly be a loss (I will not say an "injury" because, as my noble and learned friend says, we are in the habit of using the word "injury" as meaning an interference with the legal right) upon other people, and in respect of them it is no improvement at all?—I did not use the word "improvement" with regard to property. I am speaking of the neighbouring property being improved by a public improvement.

1641. Will you define "improvement"?—I mean used for public purposes in a way that is for the benefit of the public.

1642. One would think if that is "improvement" the public ought to pay for it?—I think they certainly ought to pay for it, but I do not

Chairman—continued.

think one of the things they have to pay for is any right which a man may be supposed to have only by reason of our supposing that the improvement would never be carried out, which appears to me to be what this question of worsement comes to. It seems to me (I only put it as my opinion), that a man has no right to say, "You are hurting me because up till now you have not used the property in that way, and I have a right to think you never would use it in that way." I do not see that he has any right to think that.

1643. It is not that he has the right to think that they would never use the property in that way; but, as a matter of fact, you are taking power to do it by a process which only a public body can put in force?—I quite agree. I think the public has that advantage; but I do not think that a man has the right to assume as one of the permanent elements of his property, that the public would not make the improvement.

1644. That rather goes to quantum. In your experience before juries in compensation cases the permanent character is never insisted upon, is it; where you are dealing, for instance, with the buying out of trade interests, you do not speak of it as going on for ever?—No; what I mean is, I do not think he has a right to consider (as part of the property which he had in the land, or whatever it was) that because the public had not made the improvement up to that time they would not do it at any time, or would not do it within a time such as would affect him. My opinion is that all property is held subject to this; that the public, if it is important to use land for the public advantage, may do so on terms of paying the fair value. I do not think the fact that their so using the land will lessen the advantages which he gets from the present state of things, is a thing which we ought to consider in compensating him, unless we are claiming rights against him in connection with the improvement either for betterment or for purchase.

1645. I do not thinking we are carrying it any further; we quite apprehend your view upon the matter?—Yes.

1646. When you were last examined you said that improvement being assumed to be a present improvement which a man can sell or dispose of, as he pleases, that being, in your opinion, the proper view to take of it, you thought it would be wrong to re-open the question afterwards, but that it ought to be regarded as settled finally and absolutely once for all?—Certainly, once for all.

1647. I think you say seven years is to be the limit within which they must make the determination; what is there in the nature of things which renders it improper or unjust, in your opinion, to have the question reconsidered, we will say at the demand of either party at the expiration of another seven years?—Nothing, if it is at the request of either party. My reason for saying that was that I thought finality was advisable, but if it is thought desirable that either party should open it again, and if the absence of finality is not considered a practical

Chairman—continued.

disadvantage which outweighs the greater certainty which would be given by that process, by all means let it be re-opened. There is nothing in principle against re-opening it at all. My own feeling would have been that both parties would rather that it should be settled once for all, than that both parties should have the right to re-open it; for certainly to give the right to one party of re-opening it and not to the other would not be fair, I think.

Earl of *Dunraven.*

1648. In setting off the worsement against the betterment, I presume worsement and betterment both have to be included within the line of deviation; or if the portion of a main property that was benefited was within the line of deviation, would you let him set off the worsement of some property that was outside the line of deviation?—If it is fairly worsened by the improvement, I mean if it is not too remote, I do not think he should be bound by a line he has not drawn.

1649. Then the line of deviation would cease to be absolute and effective?—In his case, but it would be absolute as against the parties who drew it. It would limit their rights to claim betterment. Of course, the worsement would have to be equally directly connected with the improvement, though it might not be within the line.

Earl of *Denbigh.*

1650. I suppose you might have worsement and betterment with regard to the same property at the same time?—Yes.

1651. To the occupier and the owner respectively?—Yes, you might. There are cases in which it is very much to the advantage of the owner that the occupier should go out.

1652. What I mean is that you might have an occupier who has, say, a shop for a certain number of years and the improvement might injure him in some way; he would be entitled to worsement; but, according to what has been laid down, viz., that betterment should be charged rather on the possibility of the ground when the lease fell in on the occupier giving up the premises, the owner would be liable to betterment in respect of the increase of value?—Yes, I think the theory of the Clause is distinctly that you cannot claim betterment against any interest whatever that is not benefited.

Lord *Egerton.*

1653. Taking the case that Mr. Clay brought before us of an owner who, for his own purposes, does not take the advantage of an improvement which he might do by the sale of his property, do you think that before he derives any profit from it he should be taxed for betterment; take, for instance, the case of a man who has cottages on land that might be sold for other purposes?—I think he gets the advantage of the betterment whether he chooses to avail himself of it in one way or another, as soon as the value of the property goes up.

1654. You would make him pay for an advantage which he gets no immediate profit from?

Lord *Egerton*—continued.

from?—What I say is that he is the richer through it. He may think it is not the best time to turn the extra richness into an extra annual return, he may think it better to wait, but he is the richer all the aame.

1655. Does not that, in fact, rather force a man to do that which he is disinclined to do; is not that a case of interfering with the rights of property, if you, by putting a heavy tax upon him, force him to do something with his property which he is disinclined to do?—I do not think it is forcing him to do anything.

1656. Supposing you make him pay 20*l.* a year, if without that 20*l.* a year he would not think it right to change the character of his property, I do not see why he should think it right to change it with that 20*l.* a year. His changing the character of the property would not alter the fact of the 20*l.* a year. If it does not make him any richer to change its character why should he do it. On the other hand if it does make him richer why should he not do it whether there is the 20*l.* or not. The payment is not contingent upon his doing it. I do not think the fact of the payment makes him do it more or less. Is not it introducing an entirely new principle if you make a man pay for that which does not immediately profit him?—If he was not immediately advantaged by it, I should think it was, but he is immediately advantaged by it in that he is possessed of a more valuable property. It may be that he has not chosen to change the use of that more valuable property because he is satisfied with a small return, but he has got a more valuable property all the same; and supposing he was going to sell the property the number of years' purchase might be greatly changed by the development of the property, although the annual return was the same; and the consequence is that he is at once benefited practically because he has got the same annual return better protected, just in the same way as 100*l.* a year from consols is worth a great deal more than 100*l.* a year from Honduras bonds. Though the annual return may be the same, the better protection afforded is really an increase of property. I think that is the reason why we are entitled to say that the owner in the case your Lordship put is benefited at once, though he does not change the character of his property.

1657. Would you go so far as this: supposing an owner has agricultural land in the vicinity of a town, and a new road is made in the neighbourhood, supposing that the owner still wishes to keep his land as agricultural land, would you charge that owner as if it was building land?—I should say exactly the same thing there. That is, perhaps, the most striking case to illustrate the point that your Lordship is putting. Supposing the owner can get 5*l.* a year for the land as agricultural land, and supposing there are two acres which can be turned into building land, and he still lets it as agricultural land and still gets 5*l.* a year from it; I say that that 5*l.* a year would probably be worth a great number of years, say over 30 years' purchase, because it would be the safest possible investment; whereas before the new road came there,

Lord *Egerton*—continued.

when it was only agricultural land, it was a question whether it was worth any large number of years purchase.

1658. Is it not a new principle in law altogether to tax a man in that way, and one which would lead you a good deal further? If that principle is once adopted you might tax a man for unoccupied land in the neighbourhood of a town which may not be yet ripe for building, but which may be called building land?—So far as its fitness has affected its then value you would; so far as it has not affected its then value you would not. The whole question depends entirely upon taking the effect upon the then value. I quite agree that it would be unfair to take the value which you speculate it would have 20 years hence, but it would be equally unfair to exclude the effect it would have upon the price which you could get at once.

1659. I understood his evidence; Mr. Harrison says that it is impossible to tell exactly until the event happens what the effect of an improvement upon the value of property might be: therefore you might tax a man upon a supposed value very much higher than the ultimate facts proved to be right?—You might, of course. For better or worse you must go by the effect at the moment.

1660. Is not that introducing rather a new principle. You tax a man for what is only a problematical benefit, and you tax him for all time, and not merely for a term of years?—With regard to the question of taxing for all time, that is a point which I think has been very much misunderstood. You really tax upon the capital sum, but you do not exact the immediate payment of the capital sum. If the man does not pay the capital sum, you take the interest upon it at 3 per cent., which is supposed to be the fair equivalent of postponed payment.

1661. I will not pursue the point further?—I think there has been some misapprehension upon that point.

Duke of *Norfolk.*

1662. In the case of a man upon whom a claim has been made for betterment, I understand you to say that you would set off the worsement which he would suffer?—Yes.

1663. Supposing on investigation the worsement was found to exceed the betterment, what would you do?—I have not considered that point, but if you had made your claim against the man, I think probably you would have to pay the worsement.

1664. If so, would not that be very hard upon his neighbour who is also suffering worsement, but who would not be allowed to put in any claim because there is no betterment in that case?—It would be for the Legislature to choose whether in such a case you would allow worsement to do more than defeat betterment. I think if you make your claim against the man it ought to defeat betterment *pro tanto*, or to defeat it entirely if you can show that the worsement is equal to the betterment, but whether you would let it go further than that would be a question for the Legislature.

Duke of *Norfolk*—continued.

1665. If it went further, would it not be unfair for B. not to reap any return for worsement while his neighbour A. reaps it, merely because it was supposed (as it turns out fallaciously supposed) that he was going to be bettered?—I think there is great force in what your Lordship says. I should say probably, worsement ought to be allowed only to the extent of defeating betterment, and not to go further.

1666. That would be rather an arbitrary view to take, would it not. Can you suggest any reason to show why it should stop there?—If there had been no claim for betterment made against the man he would not be compensated for his worsement, and therefore you might reasonably take the view that he should be relegated to the position in which he would be if you had not made a claim for betterment against him at all, subject, of course, to the payment of all costs which he might be put to.

Chairman.

1667. Is not that rather a technical way of looking at it. We are now dealing, you will remember, with abstract justice, not with technical rights. What difference does it make from that point of view whether a claim has been made against him or not?—Where a man is not required to contribute as a member of the public, and where his land is not touched or affected, I do not think that his case for worsement is one that should be considered. But if there is a claim for betterment in his case, and the worsement is bigger than the betterment he seems to me to fall under that principle.

1668. I hear the words, but I am afraid they do not convey any idea to my mind. Why should he not have a claim for worsement in the former case?—I have given my reasons for considering that a person who does not fall into one of the three categories which I mentioned should not have worsement.

1669. I am afraid I have not quite followed you?—I thought your Lordship did not wish me to repeat what I had said upon that point.

1670. To tell you the truth, I have not gathered that that was your contention. On the contrary, in answer to Lord Thring, I thought you had admitted the contrary?—Lord Thring's questions referred to certain cases in which a privilege was not considered to be a legal right, but where the special circumstances were such that he thought compensation should be made for the taking away of the privilege, and I admitted that there were cases of the kind. In my view those cases were much more like rights which were not so considered by law on account of some technical rules which we have. But the case which is put to me now is whether, where a claim is made for betterment against a person who is therefore entitled to plead worsement, he can show that the worsement is larger than the betterment. I say that that case falls within an exceptional class, and may, therefore, be dealt with by directing that worsement is to be paid, or it may be dealt with by considering that the betterment claim is defeated and no more. It is

Chairman—continued.

a choice between those two alternatives, and it seems to me neither of them would be unjust.

1671. I do not see why, in considering the question from the point of view of abstract justice, you are to divide people into two classes at all. The plain broad proposition is that the man has by some public work being carried out had a loss inflicted upon him. Why should you puzzle yourself by ascertaining what particular class or category his case falls into?—It is the same sort of question that the Legislature apparently, according to the interpretation of the Courts, decided in favour of a claimant when there was a question of his holding property which was injured, but not so injured as to entitle him to compensation. If he held other property which did entitle him to compensation he was paid for it, but that was because he came within the class of people whose rights were interfered with.

1672. That is what Lord Thring has already pointed out. As he said we lawyers have given technical effect to technical words, and the Legislature, whether designedly or not, has only protected these things which we call legal rights. But what I am putting to you is this, in dealing with the question as one of abstract justice is it right or fair to entertain considerations of that sort. I cannot see what it has to do with the case before us?—I do not think that every loss in consequence of a public improvement is a loss that should be compensated for. That is the point I am putting. The question is whether or not the case is brought into the class where the loss should be compensated for, or whether it is left outside.

Duke of *Norfolk.*

1673. Would you not say that if worsement is claimed it must be satisfied even if it exceeds the betterment; that is to say, that not only is betterment to be defeated but the worsement is to be granted. If that principle is adopted would you not say that everybody who suffers worsement should be brought in whether a claim for betterment has been made against them or not?—I think that is a strong argument in the direction of holding that a claim for worsement should be only taken as defeating betterment, otherwise it would give a man against whom betterment should be claimed advantages which other people against whom no claim for betterment had been made, but who had suffered worsement, would not have.

1674. Therefore in order to keep your principle of worsement out, which I understand you do not like, you would say that it ought to stop as soon as betterment is defeated?—Yes.

1675. But if it were decided that it should go further than that, you would say, would you not, that your case against worsement was somewhat destroyed?—I should put it another way. I should think that the case against what you might call pure worsement would be strong enough to justify you in holding that it ought merely to defeat betterment.

1676. You would be forced into confining it to defeating

Duke of *Norfolk*—continued.

defeating betterment as the only condition of retaining worsement?—Yes.

Lord *Lingen.*

1677. In the London Bill, I do not find any clause at all about worsement; it is only inferentially to be drawn from the clauses about betterment? —I do not think it is in the clause at all. I was asked my opinion, and I stated that in my opinion worsement, so far as a set off is concerned, is a right thing to consider; but to the best of my knowledge it is not carried out in the clause.

1678. There are no clauses directed to the injury to property by the improvement; all the clauses of this Bill go to the benefit of property by the improvement?—That is so.

1679. So that worsement is only an inference from the other clauses?—I daresay it might be an inference within the words; I have not considered the particular words, but it is an inference only.

1680. Both worsement and betterment have to be considered in this aspect, that the property remains in the hands of the owner. If the authority takes the property or any part of the property then it becomes a question of compensation?—Certainly.

Lord *Belper.*

1681. As I understand the answer you gave just now to Lord Dunraven, you would suggest that if any owner of property is charged with betterment he might make a set-off for worsement as to any other property with regard to which he considered he could prove worsement, quite regardless of any line of inclusion or exclusion?—Yes; he might take any property at any distance and might leave it to the arbitrator to say whether that property was worsened, and to what extent. What I say is that I do not think the line binds him when he is setting up worsement, because he had nothing to do with the drawing of the line.

1682. As a matter of fact, I suppose, in regard to the case put by the noble Duke the local authority would be very careful not to put in a claim for betterment where they thought the claim for worsement would be likely to exceed it? —I think they would not.

Lord *Zouche.*

1683. You spoke of betterment as being a contribution towards the cost of improvement several times; do you think it is essential or not that the proceeds of betterment should be applied to the particular cost of the improvement in question in which the betterment is levied, or that it should be paid to the general fund?—So far as the improvements are done out of the general fund it does not seem to me to be very important; but certainly I look upon it in that way. I think the effect of the money should be such as corresponds to that.

Lord *Zouche*—continued.

1684. It should be applied to the cost of the particular property?—To the diminution of the cost of the particular improvement.

1685. Is not that contrary to what Mr. Charles Harrison said in evidence upon the last occasion? —I was not present when he gave his evidence. Of course, a large number of these improvements in London, for instance, are not done out of special funds. The result is exactly the same where the money comes into the general fund; in fact, there is no special fund for doing these improvements, and it is an unusual thing to have a special fund out of which the particular improvement is done.

1686. The particular improvement might be paid for by a special rate levied for that purpose?—Yes, it might be; but it is not a usual thing. If it was done, for instance, by a special rate on a certain section of the inhabitants, I certainly think it ought then to go to the diminishing of the total cost, but of course if it comes on the general inhabitants and on the general funds, it does not make any difference whether you consider it as going to the general fund or to a special one.

Earl *Cowper.*

1687. I suppose it is conceivable in some cases that the betterment fund you would get would be more than enough to pay for the whole improvement; what would become of the remainder, would it be carried to the general account of the County Council?—I think there is only one case where that has occurred, viz., Northumberland-avenue; I think that paid itself.

1688. A case was mentioned in New York by a previous witness, General Viele, where even the mere rating of the new houses was enough to pay for the whole of the improvement. Therefore, such a case might happen, but I gather you think that would be a very rare case?—I think it would be so rare that I have not considered it.

[The Witness is directed to withdraw.

MR. ANDREW YOUNG is re-called; and further Examined, as follows:

Earl of *Onslow.*

1689. I WAS asking you about the principle which guided you on behalf of the Council in fixing the areas for betterment. I think your answer was that in the case of the Strand improvement you included all the property you thought could be bettered, and in the case of the Tower Bridge approach you included only such property as you were certain would be benefited? —That I felt certain would be benefited.

Earl of *Onslow*—continued.

1690. Then there may be properties outside that which will be benefited, but which will not contribute?—I think there may be property outside the limits of deviation in the Tower Bridge case that may be bettered.

1691. When you were selecting these limits of deviation, and when you informed the Council what properties in your opinion would be bettered, were you having regard to the bridge only,

Earl of *Onslow*—continued.

only, or to the approach and bridge combined?—There would be no necessity for an approach without the bridge. I do not think that the construction and opening of the bridge, without this approach road, would improve the property which is within the limits of deviation.

1692. But I assume, in fact, you intended to cover the advantages accruing to the property by the new approach and the bridge?—I did not. I should say from the approach alone.

1693. Would the approach be of any use without the bridge?—I think not.

1694. Was the bridge provided by monies of the County Council?—The bridge has been constructed at the expense of the Bridge House Estate.

1695. That is by the Corporation of London?—By the Corporation of London.

1696. Therefore some of the advantage which will accrue to the whole of the property within the limits of deviation, will be by reason of an expenditure of monies, not of the County Council, but of the Corporation?—In a degree it would, but it will be the formation of this road that will give the benefit to the property.

1697. It will enable them to reap the advantage which the expenditure of money by the Corporation of the City of London has conferred upon these properties?—It is certainly very near to them.

1698. In so far as the imposition of the betterment charge relieves the ratepayers of the whole of London, that will be done partly at the expense of the County Council, and partly at the expense of the Corporation?—I would not say that.

1699. You would not say that the bridge was a less important improvement than the approach?—I should look at the effect of the approach upon this property, and I think it is the approach alone, as I have already said that will give the increased benefit, but the approach would not have been contemplated had the bridge not been there.

1700. Then it comes to this, does it not, that although by the imposition of the betterment charge the ratepayers of the County Council outside the City or the ratepayers of London outside the City will be, to some extent, relieved, the ratepayers inside the City or the Bridge House Estate Commissioners will not receive any of that contribution towards the taxation?—The Commissioners would not, but the ratepayers within the City of London would receive the same benefit as those outside the City because they all contribute towards the common fund.

Chairman.

1701. I do not quite follow you in that?—The ratepayers within the City of London contribute towards the common fund under ordinary circumstances.

1702. By what rates; the poor-rate?—It is collected with the poor rate. There is a difference between those inside and those outside. The ratepayers within the City and without the City do not pay exactly the same towards the common fund.

1703. They do not pay the municipal rate; I do not understand you; those inside the City pay the City rate we will call it?—Yes.

1704. And those outside the City do not pay it?—Not the City rate.

Earl of *Onslow.*

1705. What I want to know is, in what way will the ratepayers within the City be benefited by the levy of the betterment charge?—Only as general ratepayers.

1706. Towards the rates of the whole Metropolis?—Yes.

Chairman.

1707. I want to see if we can find out what this means; I do not at present understand what rates you mean that are paid outside the City and inside the City, and wherein they differ?—There are certain rates paid by the ratepayers within the City to the common fund.

1708. What is that common fund applicable to; that is not the Metropolis Improvement Rate, is it?—I was under the impression it was towards that.

1709. I do not know myself, and I am only asking for information?—I think I am accurate.

Earl of *Onslow.*

1710. You are not talking of the common poor fund?—Not at all. There is a contribution to the general fund from the City.

Chairman.

1711. What do you mean by the general fund?—That which comes to the County Council.

1712. You were understood to say that they did not contribute to that?—No, my Lord, I said they did contribute.

Lord *Thring.*

1713. Could you tell us out of what rate the bridge was paid for?—Out of the funds of the Bridge House Estate.

1714. That is a *quasi* private fund, is not it?—Yes.

1715. It is not contributed by the rates at all?—Not at all.

Marquess of *Salisbury.*

1716. Do you not think that if the expenditure on the bridge created an improvement of the approach, or the land that would be used by the approach, that the approach ought to be charged with betterment in favour of the bridge?—I can hardly say that.

1717. If they are two different funds, and two different interests, surely there is the same title to those who have paid for the bridge to exact betterment out of the approach as to the approach to exact betterment out of the people living near it?—I cannot say that.

Chairman.

1718. There are two different county council rates, are there not; first of all a general rate, which includes the City?—Yes.

1719. Then

Chairman—continued.

1719. Then the City is exempt from some rates because it supports some asylums, and things of that sort?—That is so.

1720. Are you familiar with what the rating of the City is, and where the funds go to?—No; I have not those figures before me. I believe a witness who will follow me will be able to give you that information.

1721. Is there any other witness here besides you on the part of the County Council?—I understand that the Deputy Chairman desires to give evidence.

Earl of *Onslow*.

1722. There is only one other point, and that is as to the amount which you expect to realise by the Tower Bridge approach scheme in the way of betterment. I think you could give some calculation about it?—Yes. My valuation was, as far as I could judge before the work is done, 18,000*l.* in round figures.

1723. The amount of betterment accruing to the several properties?—Yes.

1724. For which a charge of one moiety would be levied upon them?—Yes.

1725. That is 9,000*l.*?—That is so.

1726. And the interest to be at 3 per cent.?—Yes.

1727. So that 272*l.* a year is the maximum amount which the County Council could expect to realise from the application of the betterment principle?—Yes. I have always represented that this is a case where a very large sum could not be expected to be realised from the improvement.

Lord *Belper*.

1728. Was any calculation made of the value of worsement in that case?—No valuation was made; but as far as I can see at the present time I think there would be none.

Chairman.

1729. Is there anything else you wish to add?—There were one or two points I should like to have mentioned. I should like to say that I look upon the principle of betterment in the light of a partnership in which the Council has to provide the money for improving the property of an individual owner; the terms of the partnership being that the Council should be entitled to half of the capital value of the special benefit accruing from the work of the Council; the owner having the option of paying the amount assessed, or interest at the rate of 3 per cent. per annum on the amount. To arrive at the assessment or valuation it would of necessity require the aid and skill of an expert valuer. The duty he would be called upon to perform would be, to my mind, no more responsible or difficult than that required where the valuation is being made in connection with a dissolution of partnership entered into by mutual agreement.

1730. I should like you to explain that. What is the analogy you suggest?—That the application of the principle of betterment, to my mind, is similar to a partnership.

Chairman—continued.

1731. That I understand; only with regard to the dissolution of the partnership what question arises?—I consider that the surveyor or valuer in assessing the improvement charge would have no greater difficulty in dealing with the various properties than surveyors do under ordinary circumstances when they are called on to advise in reference to property when there is a dissolution of partnership.

1732. What property; do you mean trade property?—In connection with partnerships, there is constantly property which has to be valued when a partner is entitled to be paid out, or the property has to be put into the market, or a portion of the property has to be put into the market.

1733. Then the things have to be valued according to the then present value at the particular time of dissolution?—Quite so. It has been said that it would be impossible to make such a valuation.

1734. I am afraid I do not quite follow the analogy?—It was only to meet evidence that has been given in another Committee that I mention this.

1735. However, that is what you say; that a surveyor would have only to value the present existing saleable value of the thing, and that that is all he would have to do in the case of your betterment?—That is so. Having regard to the improvement generally, he would have it in his mind the same as a probable purchaser would have. The improvement would undoubtedly improve the class of security. As Mr. Fletcher Moulton mentioned, it might be that no additional annual value was given to the property, but it would increase the security, and hence the number of years' purchase which would be applied.

Lord *Belper*.

1736. Is that the mode in which you value for the increased value of the property which is to be dealt with under a Betterment Bill?—It would be necessary, of course, in the first instance to arrive at the value of the property before the work commenced; and I take it that it was realising this that the Committee of the House of Commons desired that a valuation should be made by an independent valuer prior to the commencement of the work, so that it might be produced in evidence when the assessment for betterment had to be made. The assessor in the first instance undoubtedly would have this in his mind, and the arbitrator also would have it brought before him. It would be the difference between the value before the works and the value at the time of making the assessment, which certainly would not be before the works were completed. If I were to advise the Council I should strongly urge upon them to postpone the assessment until the latest possible moment.

1737. I quite understand that the difference between the valuation made at this last moment and the original valuation would be the value of the improvement. That would be the increased value of the property. Now, would the owner

Lord *Belper*—continued.

of the property be assessed at that increased value; supposing the increased value of the property was 1,000*l.*, how would you proceed to get that 1,000*l.* out of the property?—That would depend very much upon the way in which the property was let. It might be that the property was, as we find Slee's Vinegar Works are, let on lease for an unexpired term of about 40 years. That property undoubtedly will be increased in selling value immediately the works are completed, but so long as the property remains as a vinegar works I do not think to Messrs. Slee there will be any benefit accruing, but there would be directly they proposed to bring it into the market.

1738. Messrs. Slee are the owners?—Messrs. Slee are the lessees, and there is a Mr. Slee who is the freeholder. I take it, unless Messrs. Slee were giving up the works, that the charge would be postponed until the expiration of their lease.

1739. I take it then, supposing the property is increased in value by 1,000*l.*, you could not get it out of the leaseholder because he has had no material improvement in his property himself. It does not improve his property for the purpose of his business. Is that correct?—Yes.

1740. You cannot get it out of the leaseholder, and if you are to get it out of the freeholder you can only get it after 40 years?—That would be so unless the lessees were to elect to shut up their vinegar works and realise the increased benefit, and then under those circumstances I take it the arbitrator might say that the charge should be made for the remaining period that they held. It would be necessary for him to make a calculation first of all to postpone the charge so far as the freeholder was concerned for 43 years. He could not reap any benefit for 43 years. Then if they did elect to sell this property it would be possible for a calculation to be made as to the benefit for the residue of their term.

1741. Then supposing they elect to go on with their business nothing is got out of them for 40 years, and nothing is got out of the freeholders till over 40 years. Then the increased value of that property is absolutely postponed for 43 years?—The charge, I take it, to the freeholder would be postponed for 43 years.

1742. When you talked in your evidence just now of the 18,000*l.* which was to be got out of this improvement, as far as this charge of 18,000*l.* goes it is the deferred interest in that sum?—Yes.

1743. Not the sum itself?—No.

1744. And that is worth much less. The deferred interest in a sum after 40 years of course is hardly anything comparatively?—It would be possible for the arbitrator or the assessor to value the increased rental deferred for the 43 years, and convert it into present money in which case it would be a small annual charge, or a small immediate payment instead of a larger payment at the expiration of the 43 years.

1745. Then, may I ask you whether your valuation of the amount to be got by betterment for this improvement was calculated on the deferred value of the property, or on what the value of that deferred amount would be at the present time?—In making the valuation I did not discount.

1746. Then, of course you would have to subtract a considerable sum in order to discount the deferred value?—There would have to be something subtracted.

Earl of *Onslow.*

1747. Is not the principle on which the Bill is framed, and on which you go this, that you place a capital charge on the property on which interest is paid; but that interest may be deferred at the discretion of the arbitrator for as long a period or as short a period as he thinks fit?—It can be only deferred as far as the freeholder is concerned, but the arbitrator may divide that. First of all he may put a charge under certain circumstances on the leaseholder, a capital charge representing the value of his improved leasehold interest.

1748. Can he put two capital charges?—I take it he could put three or four capital charges under certain circumstances. It is a question of dividing it. A surveyor or a valuer would have no difficulty in doing that. We are constantly having to purchase six or eight interests in a property, and we divide it among the various persons interested; so we could divide the increased value in this case.

1749. What you do is in substance this, I take it: you put a capital charge, but you divide the amount of that capital charge among the several interests, all of which, of course, will finally fall on the freeholder at the expiration of the several terms?—In that case it would be a much smaller charge put on the freeholder than on the others. The parts would be equal to the whole, and if the property as a whole is improved in value so much would be put upon the lessee in occupation, and then there may be another lessee with a reversion in a certain number of years and it would be put on him, and then again there may be another reversioner in a certain number of years, and it would ultimately come on the freeholder.

1750. When you say "it," you mean all the several charges?—The several charges.

Lord *Belper.*

1751. But I understand that that would not be the case elsewhere, because I understand with regard to this particular property you estimate that it has been increased in value by a considerable sum. You have not given us the figures of what that property was put down at?—I cannot give those figures.

1752. A considerable sum?—Yes.

1753. I understand now that you cannot get that sum because, looking at the particular business that is carried on there and with regard to which there is a lease for 43 years, there is no increased value for that 43 years. Therefore, you get nothing out of the leaseholder, and you get nothing out of the freeholder till after the end of the lease, and therefore the sum which you say it has increased in value is not what you get. You only get the value of that sum

Lord *Belper*—continued.

sum after it has been deferred for that period? —It may be a deferred value in some cases, and it may be a value not deferred but split up into sections.

Chairman.

1754. In this particular case the suggestion was that the increase in value would be so great that the leaseholders, the reversionaries and the freeholders would meet together and abandon the vinegar works and make it into some building of another character? — I think it is possible that the vinegar works might be carried to the outskirts of London.

1755. Never mind about it being possible. The question is the theory of your valuation. Was that the theory of your valuation that that would happen or not?— I have taken that into consideration.

Lord *Belper.*

1756. Practically it depends on what election the leaseholder makes as to whether you get your valuation, or whether you do not. If he says, I shall carry on the business here, though it is worth no more to me, you do not get the increased value. If he, on the other hand, says I shall sell my property and go out of London, you get the increased value?—In this special case that would be so.

Chairman.

1757. Then I do not quite follow you. You have brought it here into a question of figures. You say it is 18,000*l.* Now, I want to know in arriving at the conclusion of the 18,000*l.*, which view have you taken?—In making my valuation of the 18,000*l.*, which was only an approximate one to guide the Committee (I in no way bind myself to that valuation), my mind was addressed to the period after the works had been carried out; but in making my valuation I did not defer Messrs. Slee's interest. Of course I have not told you what proportion of the valuation that was.

1758. If there is anything you want to explain would you explain it. I am not certain I have followed you hitherto?—I was asked by one of your Lordships whether I could state what sum I had assessed this property at. I stated that I could not make that statement in public having regard to future negotiations.

1759. I was not aware of that?—You must not imagine that a very large sum out of this 18,000*l.* was assessed upon Messrs. Slee's Vinegar Works.

Lord *Thring.*

1760. I should like to ask you one question upon it. As I understand it, you assessed a particular property called Slee's Vinegar Works at some sum; take any sum you like?—Yes.

1761. I understood you to tell us that the lessee has a lease for 43 years?—Yes.

1762. Then I understood you to say that the lessee does not derive any benefit at all from the improvement?—So long as the vinegar works remain.

Lord *Thring*—continued.

1763. So long as he holds his lease?—Not of necessity so long as he holds his lease.

1764. How long?—Until the premises are no longer used as vinegar works.

1765. That is the same?—Not of necessity the same.

1766. Therefore I understand you to say that according to your own estimation Messrs. Slee, in respect of the vinegar works, are not liable to pay any betterment because they derive no betterment?—I think that an arbitrator would not assess any benefit over Messrs. Slee's.

1767. Therefore Messrs. Slee pay nothing for betterment. Is not that so?—That would be so.

1768. Then at the end of 43 years the owner will come in?—Yes.

1769. Then, I ask you, in London valuations what is the present value of any sum whatever payable 43 years hence. I will take the sum of 20,000*l.* What is the value of 20,000*l.* payable 43 years hence?—That would depend on what tables you capitalised upon.

1770. Is it any value at all?—Yes, there is a value in 43 years.

1771. What would it amount to. Would it not be the smallest possible figure you could imagine, almost?—No.

1772. Is it not the fact that in London valuations a house leased for 40 years sells at as great a price as the freehold?—Not always.

1773. Is it a fact that in London valuations 40 years is considered so long a term that in effect it is as valuable, nearly, as the freehold?—That is not so. In the case of 60 years you certainly would not take the reversion into consideration, but directly you come below 60 years in one way or another it is taken into consideration.

1774. I again ask you what would be the value of a sum payable 43 years hence; what would be the value as compared with its being immediately payable?—On the 4 per cent. table it would give you at 40 years just over four years' purchase. If a property is increased 100*l.* per annum deferred for 40 years it would mean in present money 400*l.*

1775. Then you would say the owner, putting it at that figure, would have at the end of 40 years to pay 400*l.*?—£400, or 3 per cent.

1776. How on earth can he tell at the end of 40 years what benefit he will get?—I beg your pardon, that would not be so. If you are deferring the payment and no charge is being made immediately, you would charge some benefit upon the reversioner.

1777. Then I understand you to say that in the case of Slee's Vinegar Works you would put an immediate charge on the reversioner?—No. The selling value of that property would be increased by a certain amount.

1778. The selling value 40 years hence?—No, the present value.

1779. But he cannot sell it?—He could sell it assuming the property was free. You would have to assess the property as though it were free from a lease.

1780. It is exactly the contrary. Your assumption in valuing must necessarily be that the property is under a lease?—That would

Lord *Thring*—continued.

come afterwards and you would defer the payment for the 40 years.

1781. Supposing I was going to buy the reversion of that property, and you were valuing the reversion, do you mean to tell me you would value it as if there was no lease when there is a 40 years' lease on it. If I came to you to value the reversion of Slee's Vinegar Works would you not value the reversion of the rent of the works subject to the lease?—Yes.

1782. Then if that be so how can you value it for the purpose of betterment as if it were free?—I should have to value it on the first instance as though it were free, and then I should defer the charge on the property until the expiration of the lease.

1783. Then I say at the expiration of 40 years you would put on a certain sum, and that sum, supposing it was worth 20,000*l.*, would be 400*l.*?—No, that is not so.

Earl *Cowper*.

1784. When you value a trade for betterment assessment you take the value in money it would sell in the market. Is not that so?—Yes.

1785. Therefore you assume that there would be a market?—I am assuming there would be a market and that you would put such a value on it that it would sell. You would not put a prohibitive value on it.

1786. You would put it at what it would sell for, and therefore you assume there would be a market. Supposing the County Council were to be obliged if the owner of the trade wished it to buy the trade from him at the valuation put on it minus the betterment, there would be no difficulty in their selling it, because you have already assumed there would be a market for it?—That there would be a market; that is apart from the trade.

1787. I am talking of the trade. You value the trade at so much?—In betterment we should never value trade, only the property.

1788. Only the land?—Only the property.

1789. Not the trade at all?—Not the trade at all. I did not follow your Lordship's question.

1790. You do not value trade in betterment?—Not at all, only the increased annual value of the property.

Chairman.

1791. Is there anything else you wish to add?—There is only one matter I should like to mention further, and that is with reference to a special valuation of the land that was referred to in the new clause introduced on the suggestion of the Committee of the House of Commons.

1792. The assessment of the existing value before the works begin?—Yes. At the present time the whole of the land is covered with very indifferent buildings, and I should judge that directly this improvement was carried out the nature of the buildings would change. If on a particular site an existing building were removed and a new building erected, there would be no charge made upon the money expended on the new building, and any charge would only be made for the increased site value, therefore it would be necessary to have on record the value of the land, because there would be only the difference in value of the land to assess after the works were carried out. I consider it is absolutely necessary to protect the owner to have a record of the site value before any assessment is made for the improvement.

Chairman—continued.

1793. There is nothing in the Bill itself, I think, which renders that conclusive on the arbitrator as to what the then value of it is, is there?—That is why he would be appointed.

1794. But there is no provision in the Bill itself concluding the arbitrator from taking a different view of that value if it does exist, is there?—None whatever, but he is to state also the value of the property and buildings, and the value of the land alone. He is to make an alternative valuation.

1795. You misunderstand me, I think. There is nothing to connect that starting point which is to ascertain, according to your view, the then existing state of things with any obligation on the part of the valuer, who is afterwards to value for betterment?—Not at all.

1796. He may not agree with it?—He may take quite an independent view. It would only come in as evidence.

1797. He may consider it as good evidence, or he may not?—Quite so.

1798. There is nothing to make him do so?—Either the owner or the Council might bring evidence to prove that that valuation was not a sound valuation.

1799. That is what I supposed, but if your view is correct I suppose it would have been more reasonable to make that conclusive and binding upon the valuer, who is afterwards to state what is the value of the improvement of the property?—I think it would hardly be fair.

1800. Take the year 1894. I should have thought if an independent valuer says that in 1894, before these works are begun, such and such is the value, and seven years after that another valuer is to value the improvement, the object of the valuation in 1894 was that it was to be taken as the actual value, and not to be subject to debate afterwards?—That undoubtedly was the object of the Committee which suggested it.

1801. There is nothing in the Bill which makes it incumbent on the arbitrator seven years afterwards to take that as the value at the time?—Not as it now stands.

Lord *Belper*.

1802. Would there be a difficulty in putting an agreed value?—I should say it would be very desirable to get an agreed value.

1803. Agreed to by both parties as the original value?—Yes. The only difficulty would be that if it was not done by agreement it would necessitate two hearings instead of one. It would necessitate, no doubt, the owner and the Council obtaining expert evidence to place before the valuer in the first instance, and that would mean that they would have to appear before two tribunals instead of one.

1804. Would it not be easier to get the expert evidence

Lord *Belper*—continued.

evidence at the time than to get it seven years afterwards? — Undoubtedly. (*Addressing the Chairman.*) I am afraid I have not made myself quite clear with reference to the deferring of these charges. It is very complicated and difficult even for experts to understand this matter at the present time. I should like, if I might, to endeavour to make myself perfectly clear.

Lord *Thring.*

1805. It is the deferred value I did not understand?—I quite understand what is in your mind, but I am afraid I did not make myself clear. We will consider that a property has been benefited to the extent, if it was brought into the market, of 1,000*l.* per annum. I will take that as a concrete case. If it was brought into the market at the present moment the increased value would be worth 20 years' purchase. If the Council could assess or put the charge immediately upon it then one moiety of it would be 10,000*l.*, and you could get 3 per cent. on that. If you defer it for 40 years you reduce the 10,000*l.* to about, in round figures, one-third. If the freeholder anticipated that this charge was coming and would bring one-third of that 10,000*l.*, as being the deferred value, the Council, no doubt, would accept that one-third of the 10,000*l.* in present money, which would represent at the end of 40 years 10,000*l.* to them. But if he does not pay that deferred charge immediately when he came into possession of the property at the end of the 40 years, or 43 years, he would be charged the full 10,000*l.* or else 3 per cent. on it.

Lord *Farrer.*

1806. You make no assessment for betterment at all pending the 40 years' lease?—In this case the charge would be deferred for the 40 years, I take it.

1807. Supposing there to be this 40 years' lease for the purpose of making vinegar, would there be any assessment in respect of the improvement on the property during that 40 years?—The charge would not be until the end of the 40 years.

1808. It would not be considered that the property was improved pending that lease?—The increased value could not be realised until the lease had expired.

1809. And if you turned it into present value, it would have to be diminished in proportion?—Quite so.

Lord *Thring.*

1810. What I meant was this: I do not see the value of a scheme which would defer a charge for 40 years, because at the conclusion of 40 years circumstances may have entirely changed, and what does the County Council get from it?—You would assume that the immediate benefit which was given would remain; that the property had been increased in value.

1811. What benefit does the County Council get in having a charge payable 40 years hence practically, as a practical question?—In that case they would get about one-third instead of the full charge.

Lord *Thring*—continued.

1812. They would not get any?—They would at the end of 40 years. That represents in present money in round figures about one-third.

1813. You would not make the owner pay immediately a sum which was not payable for 40 years?—But waiting the 40 years they would get the full sum.

Lord *Farrer.*

1814. Supposing that it was not a 40 years' lease for the purpose of a vinegar manufactory, but a simple 40 years' lease on which there was no trade covenant of the kind, but a simple occupation tenure; would you in that case make any charge in respect of the improvement in the value of the property during the 40 years?—Certainly there would be a charge in that case made on the lessee, and it would be divided between the freeholders and the lessee.

1815. Supposing there is a tenant who carries on a trade, how will you distinguish between that portion of his interest upon which you would make a charge and that portion of his interest upon which you would not make a charge?—I could hardly explain to you how I should do it.

1816. You could do it?—I could do it as a practical valuer.

Chairman.

1817. I do not quite follow you. Apart from the question of its being a vinegar yard the tenant would have no power under an ordinary lease to pull down a house and rebuild one of a better class and likely to command more rent?—There would be no necessity for pulling down the property. This is a class of property that can be improved so that you can get the increased value out of it without pulling it down.

1818. Take the case of an ordinary house leased for occupation?—I can give you an instance of a house now in my mind. It was originally a cottage fetching 10*s.* a week, that is 26*l.* a year. If you take one-third off it gives in rough figures something less than 20*l.* as the annual value. Some improvement was made in the neighbourhood. It happened to be a corner house, and the owner spent about 40*l.* on it, and, having spent that 40*l.*, he was able to let it on a repairing lease at 45*l.* per annum.

1819. How did he spend it?—By putting a shop-front to it.

1820. That would involve the consent of the reversioner, I suppose?—Not of necessity.

1821. It would depend on the terms of the lease, but ordinarily a man would not have a right to change the character of a house?—It is a consent that would be immediately given, seeing it would considerably increase the value of the ground-rent payable.

Lord *Belper.*

1822. Take a particular case. Would not it, as a matter of fact, be a very different value which would be put on a certain sort of property if it was absolutely held by the owner in his own hands, so that he could do what he liked with it to-morrow, to what would be put on it if it was under a lease to somebody else, and the

Lord *Belper*—continued.

owner could not deal with it for a certain number of years?—To a certain extent the increased value would have to be discounted, but these are matters of detail that the valuer or the arbitrator could deal with.

1823. Is not what you must value the separate interests, and not the whole benefit to the whole property?—You would do it in both ways. If you found a property in hand you would of course value it as a whole, but if you found it leased or sub-leased you would have to divide the amounts amongst the various parties interested, always deferring the payment till they come into the increased value.

1824. The point I want to come to is that if you value it as a whole first before you divide it between the different interests, your valuation will come to a different sum to what it would come to if you valued the interests separately, and therefore where there are different interests you must value each interest and then add that together to get at a sum, and not value the whole and divide that up among the different interests?—Quite so. You would not adopt the latter course.

1825. I thought you said in the first instance you would value the property as a whole, but where there were different interests you would think it desirable to value each interest separately?—Certainly you would do so then.

Lord *Farrer.*

1826. You said you would not value the benefit to a trade. Do you mean that absolutely; supposing, for instance, you take the case of a shop and that it has hitherto been in a bye street, and you bring that shop into a large street with a large front; or supposing it is the case of a public-house, which would be still more strong. Do you mean to say you would not then value the benefit arising to the property derived from the improvement in assessing for betterment?—Not the trade. You would assess the increased value of the property.

1827. And the property in respect of the trade?—Not at all.

1828. Would you not: supposing the trade of the public-house and the number of its customers to be doubled by the alteration; would you not assess that?—Not the trade. There is no doubt that would be one of the elements that a valuer would take into consideration in assessing the increased value of the property. If it was capable of doing a very large trade on that particular site or property, undoubtedly a larger sum would be placed on the site than if it was not possible to carry on a trade.

1829. With reference to the use of the premises for that particular trade?—No, my Lord, that is not true market value.

1830. Supposing that on the other hand you were obliged, by an improvement, or by a charge of ownership, or whatever it might be, to put an

Lord *Farrer*—continued.

end to the trade, you would take away so much from the value of the property, would not you?—Not of necessity.

1831. The value of the trade is something?—I may say there is a difference in valuing under the Lands Clauses Consolidation Act, and making a valuation of a property for the market. When you value the property under the Lands Clauses Act you value it as what it is worth to the owner and the occupier. If you are making a valuation under the Housing of the Working Classes Act, then you take market value and have not to look at the value of what the property is to a particular individual, but its worth in the market, and those valuations would be two distinct valuations.

1832. Does the valuation in the market exclude the benefit done to a particular trade which is carried on in a house?—The possibility of carrying on a trade of a certain kind on that property undoubtedly would enter into the mind of a probable purchaser.

1833. And the fact that the particular trade which is now carried on there will be benefited by the improvement would be taken into consideration?—Certainly.

1834. And that would increase the value of the property?—It would increase the value of the property. The property being capable of carrying on a particular trade.

1835. So that the case may be very different according to whether the improvement will put an end to the trade or occupation carried on there, or whether it will not?—By the removal of the trade it might increase the value of the property, and by the removal of a trade it is possible that it might be depreciated.

1836. When you remove the trade you have to take into account, on the other hand, the fact that you put an end to that particular trade?—Quite so.

1837. And that would diminish the value?—Not of necessity. It might be the reverse.

Earl of *Denbigh.*

1838. Take the case of these vinegar works, and supposing the arbitrator decided that the improvement gave no increased value to the lessee, and he practically exempted the lessee from the betterment charge. Then supposing, after everything has been settled and the betterment charge postponed, say for 40 years, the vinegar works are changed in 20 years' time to something else that is perhaps more lucrative, what happens then?—That is just one of the difficulties that have passed through my own mind, as to whether it is possible for the arbitrator to state that, in the event of such a thing happening, a charge should be made; but if the award is final and no charge whatever has been put upon that interest, undoubtedly directly the award had been made the owners could carry their works elsewhere and reap the immediate benefit. It is possible for that to be guarded against.

1839. How

Earl of *Onslow.*

1839. How do you say it is possible to do that?—Provided the arbitrator might make a charge subject to such a contingency happening.

1840. A conditional charge?—A conditional charge.

1841. That is to say that the charge would be imposed only in the event of the end of the lease or the determination of user of the works for a particular purpose, whichever might first happen?—That is so.

Earl of *Onslow*—continued.

The Witness is directed to withdraw.

MR. WILLOUGHBY HYETT DICKINSON is called in; and Examined, as follows:

Chairman.

1842. WILL you explain your position to the Committee?—I am Deputy Chairman of the London County Council, and I have been on the County Council since 1889, when it was first elected. During the first three years, until I became deputy chairman, I was vice-chairman of the Parliamentary Committee, so I had an intimate personal knowledge of all the discussions that went on with reference to the question from the very commencement. I may add that, like Mr. Harrison, before the County Council was elected, I had directed my attention to this matter, and of course your Lordship knows at that time the question of appropriating a certain amount of the improved value that should accrue to property through the expenditure of municipal money was discussed by many candidates at the election of 1889, and, therefore, this was a question on which a great number of the Council were pledged at that time. I also had had the opportunity of studying the Report of the Royal Commission on the Housing of the Poor at that time, and that was what to a great extent brought the matter to my mind more than anything else. Of course we had found then, as we have been able to find since, that when an improvement does take place, and is carried out, there is undoubtedly an increase of value in the surrounding property, but to what extent is a matter differing in each particular instance. I have got out a certain number of instances lately in order to show that if necessary, but I think I may almost take it for granted that sooner or later, and within certain limits, there is an increase in value accruing to adjoining property, and it was the principle that it was fair that that increase in value, or a portion of it, should come in relief of the rates that bore the cost of the improvement that was brought before the Council in the first year, and decided us to include in the first Improvement Bill that came before us some clause which should raise this question and enable it to be discussed in Parliament. The book that we prepared, that Mr. Harrison has called the Precedents, has been handed to your Lordships, and you have it before you. I do not think Mr. Harrison had time really to elaborate all the points in it, but if your Lordships read it you will see that undoubtedly for many years there has been a system recognised by Parliament, under which you are allowed to discriminate between areas either greater or smaller, with a view to charging

Chairman—continued.

the burden in a different fashion on one rather than the other in measure to the benefits that those areas bear. This is the case especially in the Acts of Charles, and the one cited much more recently, with reference to Edinburgh; it was there distinctly stated that the reason for doing so was that the property would become improved in value by the carrying out of the works, and therefore it was just to charge them differently. I certainly have felt that those precedents may be taken as justifying the course taken by the Council. Those precedents have put charges upon certain areas apart from other areas, and they have done so in order to charge the particular area with the burden in relation to the benefit. We in our proposal here are going upon the same principle, but going still further, because we attempt to charge the individual property with payment in measure to the pecuniary benefit that the property absolutely receives in the view of an arbitrator. I mention that only to try if I can to explain that although no doubt many of these precedents are precedents which would tend to show that it is only because the work has been carried out for the benefit of a particular property that you charge that property, that does not do away with the contention that if the property is benefited pecuniarily, whether the work is done for the purpose or not, you are entitled to charge it with a certain charge so as to meet the cost of the improvement. When we came into office we found that this principle had been adopted to a certain extent in 1877, because the question was then first discussed as to whether the municipality were entitled to take any portion of the benefit which would otherwise accrue to an individual, and in 1877 in relation to these large improvements it was decided, as Mr. Harrison has told you, after a difference of opinion between the two Houses, that the Board of Works should be entitled to buy a certain portion of property more than they wanted in order that they might take the benefit which otherwise would accrue to the owners of it.

1843. That is what has been called recoupment?—Yes, that is what is called recoupment. Recoupment, properly speaking, it was not quite. There were many reasons at the time which caused the Board of Works to take that course. They enlarged their limits principally in order to be able to make their street and have their frontages,

Chairman—continued.

and have sufficient back land to develop their frontages so that they could make the whole thing one satisfactory work, and, of course, thereby increase the value of the property on their hands. But if it had been only a question of intercepting the benefit, then they would have gone very much further than they did with their limits, because the principle of intercepting benefits would entitle you to go quite outside the improvement, if you could show there was an increased value of course, and buy a much larger amount of land than you really wanted. We have always found that although that recoupment principle allowed us to make a certain profit, it allowed us to make a certain profit in such a way that the profit was eaten up before the profit was obtained, and therefore in discussing this matter we came to the conclusion that we ought not only to have the right to make a profit by means of recoupment, but also to have the right of receiving the profit by means of a charge upon property which would enable us to obtain that money without incurring the necessary losses. In order to do this properly we tried to keep in view the fact that recoupment is not in opposition to betterment in any way, and therefore our proposal has been that both recoupment and betterment, to use those two words, should be in the same Bill, and that it should be at the discretion of the body carrying out the work as to whether they should exercise the option of recouping themselves by purchasing the land or by asking an arbitrator to put this charge upon it. I am not quite sure whether that has been quite fully appreciated before the Committee that that is our proposal; that the two courses will be open to us, and that they are not opposed to each other on principle.

1844. In the present Bill?—Yes, that is in the present Bill.

1845. I was not aware there was any question of recoupment in the present Bill?—Yes, in the present Bill, we can either buy or charge any lands within the limits.

1846. I understood that had merely reference to the forms of parliamentary procedure which you could not alter and that whenever you intended to make the charge of betterment you had given them, notice that you would take them but I was not aware that you contemplated actually taking them at all?—I cannot say what we contemplate in this, but the clause was drawn with the distinct idea that we should have power both to buy the land and to make the profit in that way.

1847. If necessary, for the purchase of the land itself, for the purpose of recoupment?—Yes, my Lord, that was the idea of it.

1848. I am glad you have informed us of that because up to this moment, I think, I was not aware of that!—I was anxious you should be aware of that. Each year we have had to bring in a Bill, since 1889 we have had to consider this question, and we certainly came to the conclusion that a scheme of betterment must be brought in by a special Act each time, because the schemes must vary with the circumstances. Perhaps,

Chairman—continued.

I might shortly recapitulate the three schemes which are before your Lordships to show that.

Earl of *Onslow.*

1849. I should like to ask you this first. In the earliest schemes did you contemplate either charging or purchasing?—Not in the first scheme.

1850. That is only in this last scheme?—It is two years ago we came to that conclusion. Of course, like any other scheme it has developed in the course of discussion. It has now been discussed every year, and we have profited by it ourselves, and I daresay we have not got a perfect scheme now, but still we have made it as good as we can in view of the discussions that have taken place.

Lord *Lingen.*

1851. Is the 14th section in the Bill the one under which purchase and recoupment is authorised?—No, that is the purchase of the property. I should say it was the 8th clause there, because the 8th clause gives us power to take all the land for the purpose either of the improvement or for the purpose of erecting houses adjoining or near to the improvement.

1852. The 8th clause seems to be confined to the execution of the works, does not it?—I think the last words go beyond that.

Chairman.

1853. "Or adjoining or near to the improvement"?—Yes, that was the intention, and that is what we intended to bring forward. The first scheme was that of the Strand. It has been explained to your Lordship that the area which was taken was made large because we wanted to embrace any possible betterment that could exist, and you were also told that although it might not have been absolutely necessary to give all the notices, still it was fair that we should designate a particular area so that everybody might know by the advertisements in the papers that they might be affected by the proposal being brought against them in the Houses of Parliament, and appear upon it. That was the idea of that broad line, but when we took that broad line we went, (I cannot say with any great expert knowledge) into the question of betterment on that occasion. The view of the Council, and it was very considerably discussed, was rather this, rightly or wrongly, that in the case of an improvement like the Strand improvement joining the streams of traffic that run along Oxford-street and the Strand, and the construction of a broad avenue, a very magnificent avenue, as it would have been something like the Boulevards in Paris or some of the avenues in New York, the very fact of constructing that in a part of London which is to a great extent slums at the present moment must in the course of time bring about a change in the use of all the neighbourhood, and we thought we could see, at any rate, at that time, that it would effect such a change by reason of the establishment of large theatres and

Chairman—continued.

and large hotels, and so forth, about there, that must radiate a good deal beyond the line of frontage. That was the reason why we put in that Bill the very wide area we did. Then with reference to the Cromwell-road case that, as has been explained, was quite a different one. That was a case of opening out a portion of London which had no means of access at all to London. It would have made Cromwell-road and Brompton lead straight on to that part of West Kensington which is undeveloped, and we knew that only three years before there had been a company formed which had got an Act of Parliament to make this bridge themselves in order that they might develop this property. So that that was a scheme for really developing an estate and the area that was then laid out which we thought the wisest area then was to take a semicircle a distance I think of half a mile from the bridge, because we had no means of making any definite line. We knew of no definite line of demarcation. We felt that anything within half a mile of that would probably be increased in value by the development of this new estate. That also had this peculiarity that one-third was to be paid by the County Council, one-third by the Vestry, and one-third was to be charged as betterment.

1854. I do not want to interrupt you, but I think we have heard all that from Mr. Harrison?—I rather felt that, but at the same time I was not quite sure about it.

1855. If there is anything you wish to add to his evidence we shall be glad to hear you, but that we have already heard at some length?—I am anxious not to re-duplicate evidence.

1856. So far as the mere narrative is concerned you may take it the Committee are familiar with the circumstances under which that was done. Anything you want to add by way of argument or suggestion we shall be glad to hear?—That was only preliminary. I was going to say the reason why that was done. The reason was, first of all, in the ordinary course we should probably have made that improvement half and half. We should have said that the parish of Fulham would be benefited by having another road giving it access to London, and therefore they ought to contribute and the metropolis would also be benefited, and therefore, in the ordinary course, each would have contributed half, but then we wanted to bring in this betterment there, and therefore we divided it in thirds, and we proposed that the third which should be charged on the betterment charge should be a definite sum, namely, one-third of the cost of the improvement, and we made sufficient investigations to satisfy ourselves at that time that the third would be easily covered by the actual improved value. Therefore, we proposed to charge the third to this betterment charge all over the bettered properties in proportion. It was a very different proposal to the present one, but it was different because the circumstances were different. That is why I was rather anxious to point out the different circumstances. Then, with regard to the third scheme—I am not sure whether your Lordships have

Chairman—continued.

had this before you—it was originally a very large scheme; it contained a very large street scheme; it contained some improvements at Vauxhall Bridge, one or two other minor improvements, and also amongst others this Tower Bridge improvement. It has been suggested—I do not know whether it has been suggested here—but it has been often suggested outside, that this proposal we have brought forward at this time was merely, so to speak, the thin end of the wedge, and a small proposal that might get through. That was not the fact at the commencement of affairs, because, as I say, the betterment was to apply in this large Bill to three or four cases, and amongst others to the large case of the Strand. We withdrew those other portions for other reasons, and only went on with the Tower Bridge because of the urgency of it, and because we knew that the Tower Bridge was going to be opened very shortly. That is the only reason why this small proposal in the concrete shape came before the Committee of the House of Commons last year. It came before the House of Commons again this year for another reason, namely, that we felt the difficulty in varying it after it had once passed the House of Commons. We thought as a matter of obligation we were bound to bring the same thing forward.

Earl of *Onslow.*

1857. Do I understand you to say that the opposition to the Betterment Clause as affecting the Strand Improvement had nothing to do with the abandonment of that portion of the Bill?—Nothing whatever. It was a question of relief from other sources that caused us to withdraw that. Then there is one other particular special feature of this proposal now, and I do not know that it has been mentioned. I do not think I need mention the question of limits of deviation.

Chairman.

1858. We quite understand that. That is an inaccurate phrase, but we know what it means?—It is simply used because it is on the plans. Then the other point was about taking only half of the betterment. In discussion some of us felt that if we did propose to take the whole of the betterment on the property the tendency would be to discourage any improvement at all in the neighbourhood; that unless an owner could see his way to making some improvement in the value of his property he would not try to make any improvement, and that it would be therefore better and more expedient that we should leave the owner of the property in possession of half of the improved value. Of course, as a matter of fact, we do leave him. I am going on the assumption that there is betterment under this latest Bill in possession of a good deal more than half of the value, because, as I think your Lordships understood, we capitalised the charge at the ordinary number of years' purchase, 20 years, and then he is charged afterwards 3 per cent. on that value. I made out myself, from those figures,

that

Chairman—continued.

that the result would be on a betterment of 1,000*l.*, that the owner would retain 700*l.*, or nearly 700*l.* worth of betterment by this arrangement.

Earl of *Denbigh.*

1859. On an increase of 1,000*l.* a year?—£1,000 a year. If a house lets at 1,000*l.* a-year now, and by reason of the improvement was let for 2,000*l.* a-year, then the owner would receive 700*l.* a-year.

1860. His tax would amount to 300*l.*?—Yes. The 300*l.* would go to the community. Then some questions have arisen upon the exceptions which we have allowed in our Bill. Of course those exceptions have arisen by reason of the fact that rightly or wrongly we were trying to bring in a scheme that would do justice to the individual landowners, and that is the reason why we place in the hands of the arbitrator very wide powers of discrimination. He is allowed, as your Lordships know, to divide the charge beiween any interest that is in the land, and, therefore, if he found that there was a house materially improved, and that the present leaseholder would practically reap the whole of the benefit or the greater portion of the benefit he might charge it upon the leaseholder, and only a portion of it, perhaps none at at all, on the freeholder. That was the idea of the Bill that the arbitrator should have the fullest power to discriminate.

Earl of *Onslow.*

1861. You do not give the arbitrator power to select which properties, in his opinion, are bettered and which are not, do you. You refer that to the Council?—I should say yes to that. The course which seemed to us to be the most practical one was this, namely, that the Council should first of all draw up a list of the properties which in the Council's opinion, or in the opinion of the valuer of the Council would be bettered, but then that list would go before an arbitrator, and before that arbitrator it would be not only allowable for the man whose property is charged to say that his property is not bettered, but also it would be allowable for him to say yes, but you ought to have charged somebody else in that area with a betterment charge.

1862. What power would there be to bring that man within?—The arbitrator has the power to amend the list of bettered properties.

1863. By adding other people?—Yes.

Chairman.

1864. I think there is a little confusion there; not by adding anybody not included within the line?—No. I noticed this was a question which your Lordship asked before. It would not be anybody who was outside.

1865. Within the line his discretion is absolute?—Within the line his discretion is absolute, and, therefore, it comes to this, that it would be in the discretion of the arbitrator to decide what

Chairman—continued.

properties are or are not bettered being put in motion by a list prepared by the Council, and for this reason, that in many instances we have no doubt we should come to an agreement on it, and not have to contest it at all. Then that also would lead to the question of the postponement which has been a good deal discussed. That again was put in with the idea to avoid doing injustice if possible. It is quite conceivable that the use of a property is so tied down by the present contracts that have taken place with regard to it that no betterment can take place immediately; but at the same time we might feel that betterment does exist on that property, that it is not the less improved in value because the person is not in possession who could take advantage of that improvement, and, therefore, the property should be charged, but it would not be charged until the person had come in either by the determination of the agreement which tied him down, or by some other agreement having been made with his leaseholder which would anticipate that period. It would not be charged until it had come into such a position that the person in possession is actually in the opinion of the arbitrator in receipt of the improved value. That was the whole notion of the postponement, and I noticed that Lord Thring asked a question about the value of it. Our view would be this with regard to that. The improved value is say, 3*l.* a year. When the person comes into possession of that improved value, he must pay his 3*l.* a year, or else his 100*l.* capital value. But if it does not come for 30 or 40 years then, of course, that would be a case in which, if he chose, he could pay us not the 100*l.*, but the value of 100*l.* 30 or 40 years hence. At the same time this particular case is a very exceptional case. It has been a good deal referred to, because it exists or is suggestive to exist with reference to Messrs Slee's vinegar factory, but my own anticipation would be that it would be very rare that anything like that would take place, that the arbitrator would make any charge whatever on a property that would not get any charge put on it for 40 years.

Lord *Belper.*

1866. Something of the same sort might arise in the case of all properties where there was a lease, and they were not occupied by the owners?—Not to the extent of 40 years. Our idea at the time we framed this clause was that it would get over the difficulties of short terms of years, in which it was clear no improved value could accrue to anybody. Then I noticed that there was perhaps some little misunderstanding as regards when the charge is supposed to be calculated. My view undoubtedly would be that it would be our duty immediately this Bill was passed to carry out the improvement as soon as possible, and then we should allow as long a time as possible to elapse within the seven years within which we are bound to make the valuations in order that the improvement of the property should make itself felt. Then when the time arrived at which we could

Lord *Belper*—continued.

could not put it off any longer, the arbitrator would then have to take into consideration what he actually saw, and what had been the experience, namely, that there was an improved value actually accrued, not only a present value but a future value, because undoubtedly the value of land always depends very much on what its future is going to be, and with the present as a guide, that he should estimate what charge it would be fair to put on this land for the future in consideration of the benefit which would accrue from the improvements.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to To-morrow, Twelve o'clock.

Die Veneris, 8° Junii, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Duke of NORFOLK.
Marquess of SALISBURY.
Earl of DENBIGH.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (*Earl of Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord HOBHOUSE.
Lord LINGEN.

THE LORD HALSBURY IN THE CHAIR.

MR. WILLOUGHBY HYETT DICKINSON is re-called; and further Examined, as follows:

Chairman.

1867. I DO not know whether there is any special topic which you are prepared to deal with at this moment. In the meantime, if there is not, I should like to ask you whether you can give me the exact date (of course it can be ascertained somewhere) of the different metropolitan improvements that we have heard of. I think it has been inaccurately stated by some of the witnesses. Take, for instance, the Westminster Victoria-street, and the Queen Victoria-street in the City, and Charing Cross-road, and so on. It might be convenient to have those dates accurately given?—I could give them, but I think if you will allow me I had, perhaps, better send a paper with the actual dates of carrying them out and so-forth, because the execution extends over two or three years.

1868. If you will be good enough to send the papers with those dates we should be much obliged to you?—I will do so. There was one question upon the doctrine of recoupment. I am not sure whether it is as clearly before the Committee as we should wish it to be. As I said, recoupment as carried out by the Metropolitan Board of Works formerly was not, properly speaking, recoupment to its entire extent, because they restricted themselves very much indeed to frontage, and if recoupment were carried out to the same extent as we anticipate betterment will be, it would extend a good way beyond the line of frontage, and would necessarily involve a considerable amount of land being purchased, which is always a difficult matter for a municipal body to do, and probably we should think it better in the interests of the ratepayers in these instances if they were made alternative, as we propose they should be, to adopt the system of betterment rather than the system of

Chairman—continued.

recoupment. It has been suggested that we might obtain the same end by purchasing the fee simple of the land, and then doing what we could to get rid of the various occupying interests that are attached to it; but the objection to that, compared with the proposal that we have made with regard to betterment, would be, that we should not gain anything by doing that. We should gain a reversion in fee simple, but we should not gain what we should hope to gain through betterment—a right to intercept the improved value, not only in the hands of the owner of the fee, but also in the hands of any occupying tenant who can be proved to be in a bettered or improved position through the carrying out of the work. Our scheme for betterment would enable us to attach this. But any scheme which would only enable us to purchase the fee simple would, of course, leave us helpless as regards that improved value, and in many cases the improvement to the occupying tenant, especially if he is occupying shops, would be very likely the principal portion of the improved value attachable to the land. Well, then also if we leave the land as it is without disturbing trades and put a charge upon it which has been deemed by an arbitrator to be fairly representing the improved value, then there is nothing to prevent the landlord and tenant making what arrangements they choose about altering the premises, so as to make them more able to command the improved rents, and that again we rather think would in many cases be preferable to the municipal body having to buy the land and to go through all these negotiations. There is a further difficulty which I understood, or a least I imagine, has been raised in the course of the discussion which follows on from this,

Chairman—continued.

and that is that if in any system of recoupment you are met with the obligation of paying compensation for the disturbance of trades, it is possible that under a scheme of betterment you may be met with the same objection, and you may find that the bettered value has to be discounted in view of a possible disturbance of trade. But I think the answer to that is this, that in recoupment, what we suffer is what we may call wasted expenditure, namely, the expenditure which we have to undergo in order to turn a man out suddenly and compulsorily.

1869. More than one witness, I think, has pointed that out; but that is not a necessary expenditure, is it? I quite agree that no scheme of the sort has yet been put before Parliament in which you are entitled to retain the tenants as they were, and gradually, if you thought proper, improve; but we are dealing with an intended alteration of the law, are we not?—Yes, but I thought I had just attempted to deal with that point. We should not think it would be wise for us to purchase a large amount of land, and then deal with the tenants.

1870. That is another matter. I am not dealing with that. It may be that that is right or wrong. All I mean is, you seem to make it an essential condition of such a transaction that you must pull the house down and rebuild it. It does not seem to me that that, in good sense, follows?—It does not follow, undoubtedly, and we do not propose that it should. The betterment charge would be a charge which would have reference to the improved value of the land and the site.

Marquess of *Salisbury.*

1871. Are you speaking of recoupment?—I have been attempting to compare the two systems as we have had to compare them in our own minds, as to which is the best, and the result in our own minds is rather, as I said yesterday, that both of them are good but both are applicable to different states of circumstances, and upon those questions, such, for instance, as that of buying the fee simple and then having to turn the tenants out, we thought it would be more advantageous to have a charge placed upon the land in respect of this improvement and then leave it to the landlords and tenants to make their own arrangement.

Chairman.

1872. That I understand, but what I was pointing out was your phrase "wasted." The wasting arose from what seemed to me not an essential condition of the transaction. The wasting, as you have explained it and as other witnesses have explained it, comes to this: that you are obliged to destroy a trade, turn out tenants, and then rebuild. I quite agree that seems a wasteful and absurd procedure?—Certainly. I was going upon the assumption that we were dealing with recoupment upon the present law.

1873. That is exactly what I am rather considering, but you cannot say that is the present

Chairman—continued.

law. Each of these cases has had a law of its own. I quite agree there has been no case in which they have been entitled to retain property *tales quales*, but still, when you are dealing with a proposed alteration, I do not know whether you are to make it a fixed certain principle that you are always to pull down and rebuild?—Certainly not; but I tried to point out that if we did not do that, unless we have betterment we have no means of intercepting the benefit upon the occupier.

Marquess of *Salisbury.*

1874. But why is that the case? Trade rights are only assumed to last for a certain number of years, are they not?—That is so.

1875. You may leave the trade interest to run out, and then you would have the advantage of the increased value of the property without any rebuilding?—Yes; but, to take a concrete case, supposing there was a shop owned by a landlord and let for 20 years to a shopkeeper; an improvement comes past which makes that shop very much more valuable. It is more valuable to the owner in reversion. It is more valuable to the shopkeeper, because he gets a shop in a large highway and his returns are very much more. We want to intercept the improved value to the shopkeeper as much as the improved value in the reversion to the owner, and any scheme by which we only can affect the fee robs us of that, and leaves the occupying tenant in possession of the whole of his amelioration.

1876. Yes; but the essence of the objection raised by the noble Lord in the chair was that you are not bound to confine this only to the fee, but that if you choose to modify the Bill which you submit to Parliament, you could always take rights over the lease and over the yearly occupation?—Yes; but if we take any rights over the lease which would enable us to enter into possession of the whole of the improved value of the property, then we should necessarily be obliged to turn that tenant out, and then we should come under the Act.

1877. You could give him a new lease?—Not within the 20 years. Within the 20 years the hypothesis is that this man has got that shop for his own benefit, and within that 20 years an improved value is attachable to the occupying value of that shop. We cannot disturb him by merely getting the rights of the landlord. If we are to disturb him at all we must get the rights of compulsory purchase which is given by Act of Parliament, and the rights of the compulsory purchase land us in this position, that we are bound to pay him an extra sum for compulsorily removing him and driving him out from his trade.

1878. A larger sum than you would get from another person whom you admitted to practise the same trade?—Undoubtedly; that is our experience. It is a recognised fact. Ten per cent. is allowed merely for the fact that a man is supposed to have to incur expense for removing. Whether he incurs it or not, it is a sum of money over and above anything that we should have to pay, or that any ordinary person would pay in the ordinary purchase of the business.

1879. Apart

Chairman.

1879. Apart from the 10 per cent., the goodwill of a trade, you mean, of course, would come in?—Yes.

1880. Are you familiar with the values which valuers put upon the goodwill of a trade. It is not considered, I think, to be worth many years' purchase, according to the experience I have had of such matters?—No, it is a few years.

1881. Three or four years is the outside, is it not?—It is not more, as a rule. Of course we speak from experience. In all these cases where we do have to carry out the work of compulsory expropriation we have to pay very heavily, and those are the payments which I venture to characterise as wasted, and which we wanted to avoid in the interests of the ratepayers. Well then we get over the difficulty by means of the clause about postponement, which has provoked a considerable amount of discussion. It was as I said yesterday a clause put in in order as far as we could to prevent injustice. Supposing there was a house which was improved in value to a thousand pounds, it has been suggested that the owner would say it is not improved in value to a thousand pounds, because in order to get that improved value I must send my tenant away, and that will cost me money. We have tried to meet that in this way. We have said that so long as you cannot get rid of your tenant, you at any rate shall not pay any portion of this charge, but the moment that you get rid of him, whether you get rid of him by the ordinary expiration of your lease, or whether you get rid of him by making an arrangement with him, which would very likely be the case, then you are in possession of the improved land, and, at that moment, you must begin to pay, but until that moment you need not pay. If any portion of the improved value, as I have said, does actually arise before that epoch, then the arbitrator will decide that the person who has to pay that improved value is the occupying tenant. I mention that in order to show that that is the reason we have brought in this clause for the postponement in order to meet, so far as we can, that difficulty. Then there is another point to which I might draw your attention. I mentioned yesterday that it might be admitted, as a general rule, that when large works are carried out it does improve the value of property in the neighbourhood. I noticed, I think, the Marquess of Salisbury asked the question of one of the witnesses whether we had any instances which showed improved value in a property not exactly on the frontage. It is not necessary to show improved value in frontages, because, as far as that goes, I think it must be admitted that frontage value does materially improve by enlarging streets and improving the means of access, and bringing larger traffic to it. But, undoubtedly, the question of whether outside land, not immediately on the frontage, is benefited or not, is one which might be open to doubt. As far as we can ascertain it varies undoubtedly all over London, and the effect of each improvement must be different, but I think we can show that there are instances, and I have got two or three plans here which I should like you to look at, which show that property not on the line of frontage has materially gone up in value after, and, as we contend (and we think there is no doubt about it), owing to the execution of some works.

Chairman—continued.

Marquess of *Salisbury.*

1882. It has risen more rapidly than the general rise of property?—Yes, I think so. We can point out in those cases that there is no structural alteration, and moreover, that it has risen, as your Lordship says, to a greater extent than would have been expected or than has practically in some instances been shown to exist in parts a little bit further away from the improvement.

Earl of *Onslow.*

1883. In those cases can you distinguish between those in which there was improved access, and those in which there was simply a widening of the street such as the proposed widening of the Strand; I think we can quite understand that improved access would improve the property in the neighbourhood, but what I should like to know is whether you have cases where property in the neighbourhood of a widened street has improved?—Of course the principal instance, undoubtedly, and I should think that must be taken for granted, is the land within a reasonable distance of the Embankment. The construction of the Victoria Embankment undoubtedly has enabled development of the property not on the frontage between that and the Strand. And, again, I should mention Victoria-street. Victoria-street has been of very slow development indeed, but at the same time, now, to common knowledge, I may say, the streets that run out of Victoria-street, or that run parallel to Victoria-street, are developing, owing to the existence of Victoria-street. Perhaps I had better show you some of these instances. All those instances not carrying out our view, of course we should be anxious to be shown, if they can be shown, but, in our opinion, they do show that it is possible that a material improvement should extend to property not merely on the line of frontage.

Chairman.

1884. Would you kindly, on that subject, tell me this: there are audited accounts, are there not, of the amount of rateable property in the County of London?—Yes.

1885. And the estimates of them?—Yes.

1886. You have got those, I suppose, printed from the beginning?—We have them for a certain series of years.

1887. Could you give us copies of the prints?—Yes, undoubtedly. May I ascertain exactly what you want? You want the rateable value of property in the County of London.

1888. I understand that you have audited accounts every half year?—Not audited accounts of rateable value.

1889. In those accounts the rateable value would

Chairman—continued.

would appear, and also the rates levied in the County of London, and the special rate in the County of London?—Yes.

1890. It may be that we may find the rateable value would increase in places where there has been no improvement?—Yes, undoubtedly. Of course it would.

1891. You understand quite what I want to get at, and you will give it to us, I am sure, if you have got it?—Yes, of course the rateable value of London——

1892. I am not proposing to argue it with you now?—I was not arguing, only I wish to know what your Lordship desires. We cannot give you a list of the rateable value of every property in London, only of each parish.

1893. That I understand. If you will give me what you have got I shall be satisfied?—I will do so.

1894. As a matter of fact, I suppose the overseers' accounts would give us the rateable value of each town, if we want it?—Yes, it would be a very large undertaking to get that out. The first instance I would give the Committee is one on the border line. It is a connection with Rosebery-avenue. In this case a man owned property not on the street, but within a very few feet of the street. The Metropolitan Board of Works bought a portion of the land for the improvement, between his property and the street.

Marquess of *Salisbury.*

1895. What is the width, roughly?—It is 24 feet; it is quite close. The owner of the back land thereupon bought from us the piece of land between him and the street, thereby making his back land a part of land which had a frontage on this large avenue. We understand that prior to that improvement the back land that belonged to him was worth 4*d.* a foot a year.

Chairman.

1896. May I ask where you took those figures from?—From our valuer. At the present moment, and since the improvement, and we think owing to the improvement, and owing to the fact that he has been able to get this frontage on to the improvement, it is worth at least 1*s.* a foot; so that it is three times the value.

Marquess of *Salisbury.*

1897. One shilling a foot a year?—Rent.

1898. Not a shilling a yard?—A shilling a foot. The existing property was open to a side street, and now it opens on the front. We could give you one or two instances of rise in the value of neighbouring property from the construction of Queen Victoria-street in the City. There are two houses, of which we have got out the rateable value in St. Andrew's-hill. St. Andrew's-hill is a small street not far from the Mansion House Station that runs down into Queen Victoria-street from the north. No. 9, St. Andrew's-hill was, prior to the making of Queen Victoria-street, assessed at 40*l.* gross. Eight years after the opening of the new street it was raised to 70*l.* That is an increase of not quite double. In the same street, 11, St. Andrew's-hill, that was raised from 35*l.* to 50*l.*

1899. At what distance of time were the two values taken?—Within eight years of the opening of the street.

Lord *Tweedmouth.*

1900. Have the houses remained exactly the same?—There have been no structural alterations. These are all cases in which there have been no structural alterations. It can only be the ordinary rise in value.

Chairman.

1901. What do the different colours mean?—All the coloured land we were enabled to take.

Lord *Hobhouse.*

1902. Have you ever estimated the improvement of Printing House-square?—No.

Marquess of *Salisbury.*

1903. I understand these estimates to be on the parochial valuation for the rating?—Those, the figures I have given you.

1904. They are not the rents obtained by the landlord, but the rating of the parish?—The rating of the parish. Then on the same map there is No. 3, Lambeth-hill. That was assessed at 180*l.* gross in 1870. It was raised to 250*l.* in 1875, and is now 250*l.* That is a street to the south of Queen Victoria-street. The other one is 65, Watling-street, with 150*l.* gross value, raised to 250*l.* in 1885. Of course, it is close to an important corner of streets meeting and running into Queen Victoria-street, but at the same time it is in a bye-street. Then there is one instance, rather a different instance, which I think would carry out the same principle, and that is in connection with Charing Cross-road. There is a place called Cecil-court. Cecil-court, before that improvement, was a narrow court with tenement buildings of a poor class. Its only means of access to the street was through a narrow passage which went under a public-house. In carrying out that improvement the public-house was done away with and the court was opened out, as you see the pencil lines there, into Charing Cross-road. I cannot give any figures of the result of that, but it is evident that it resulted in this, that what were tenement dwellings—a court shut out which no one would go to—is now developed into residential flats and high-class offices, and of course it is evident, to my mind, at least, that in that particular instance the very possibility of making residential flats and offices has arisen from the fact that the Charing Cross-road has altered the character of the neighbourhood very much, and made it respectable, and opened out access to it.

Chairman.

1905. That is certainly a very peculiar case, because the access to it was in a passage under a public-house?—Yes. I think there can be no doubt that the erection of those buildings has flown from the carrying out of the improvement.

1906. But

Marquess of *Salisbury.*

1906. But you have no figures on the subject?—No; we have no figures on the subject. No doubt the Committee could obtain figures.

Earl of *Onslow.*

1907. You have no instance to show that the mere widening of the thoroughfare has increased the value of the property not actually abutting upon that thoroughfare?—I have no instance, certainly.

1908. I understood Mr. Young to say that, in his opinion, all the streets leading into the Strand would be considerably improved by the widening of the Strand itself; is that also your opinion?—In the case of the Strand improvement.

1909. Yes?—The widening of the Strand itself is a very peculiar case, because there can be no doubt I should say that the streets about Wych-street and Holywell-street would have been improved. The very fact of taking away that portion and widening the Strand, and taking away houses in the middle of it, would bring the whole land nearer to the centre of traffic.

Marquess of *Salisbury.*

1910. Holywell-street would have been improved out of existence, would it not?—One side of it would. The other side would remain. I can understand that being the case, that would have an effect on the side streets; I should think it would.

Earl of *Onslow.*

1911. You proposed to include some of the property in those side streets in the betterment area?—Oh, yes, certainly; there is a large betterment area.

Lord *Belper.*

1912. I think one question was asked with regard to the streets south of the Strand down to the river?—I am not quite sure which Strand improvement you are referring to. There were two.

Chairman.

1913. That which involved the widening of the Strand by removing that great piece which is interposed between the Strand on the one side, and Drury-lane and Clare Market on the other?—My view, of course it may not be worth very much, would have been that the moment you make what would be a very magnificent street of the Strand, it does have an effect on the surrounding property, because other theatres are built, and hotels are built, and lodging-houses come on.

Marquess of *Salisbury.*

1914. How do you account for the fact that the great improvement which has taken place in this part of the world the last 40 years has had no effect on *petit France*?—You mean the building of the Houses of Parliament?

1915. Yes, and all the improvements that have taken place over the block that lies between Parliament-street and Abingdon-street. There has been a great increase of open space, and yet the whole of the district behind Abingdon-street remains what it was?—It was not so very bad, as far as open space went; it was near the park, and so forth.

1916. Do not you think there has been a great improvement since the time when the Houses of Parliament were built?—I am not quite sure which part you are speaking of.

1917. The part which has not been improved to my mind between Abingdon-street and Horseferry-road, and yet it lies in the immediate neighbourhood of improvements which have made a great deal of open space, and cost an enormous quantity of money?—It is like all the rest of the property about Victoria-street. There, as I said, it seems the improvement has been of very slow growth, and now in the last few years it has radiated out, and a good portion of the land about Victoria-street has improved in value now, and it is undoubtedly going on—not slums, exactly, but the poor property there is becoming more used by residential chambers being built upon it.

Earl *Cowper.*

1918. I think you said it took some years before it began to improve?—Victoria-street undoubtedly took some years.

1919. Would it have been at all possible to predict with any certainty immediately after the improvement was made whether this back property would be improved or not. Would anything but experience tell you?—It would be difficult to predict; but then the arbitrator in our scheme has got to take into consideration, as a reasonable man, what is the actual process that is going on at the time. If it is a process of improvement, and he can see that the land is in the market fetching more because of its approaching value, then he puts a tax upon it; if he can see no likelihood of it at all, and no signs of it, there would be no tax put upon it. Our view at any rate is to put a tax on that which can be shown to a fair-minded man to be really improved.

1920. If the improvement is very gradual, and only takes place a long time after, it must always be very much a matter of speculation, even with the ablest and fairest man, do not you think?—Certainly, but I should hardly think the arbitrator would give any effect to such a speculative value.

Chairman.

1921. Suppose this Bill had been law at the time that Victoria-street was made, your view is that the arbitrator would not have given anything at the end of seven years by way of an improvement rate?—I should think probably not.

Lord *Hobhouse.*

1922. I suppose the arbitrator, with reference to future possibilities, would have to say that, in his judgment as a surveyor, and of course he would be a skilled surveyor, the present price, the price at the date of his award, was increased beyond what it would have been without the improvement?—Yes.

Lord *Hobhouse*—continued.

1923. Unless he can say that he would give nothing, I suppose?—That is so; that would be our view.

Earl of *Onslow.*

1924. And that is the intention of your Bill as it at present stands?—That is the intention.

1925. That is what you desire the Bill to carry out?—Yes.

Lord *Hobhouse.*

1926. Would there be any greater difficulty in such a case than in the ordinary case of land ripening for building; take the case of Victoria-street, for instance?—No, I should think not.

1927. The value alters or may alter every year?—Yes.

1928. People buy and sell the land on a valuation?—Yes.

1929. And it is valued, I think, for succession and probate?—Yes, certainly.

1930. If it is leasehold it is valued for probate?—In which case there must be some consideration of the future in the mind of the valuer.

1931. I believe it to be the case, but you would know much better, that land bringing in very little present value has a very considerable value to sell in the market?—Very often in the suburbs, undoubtedly.

1932. The surveyors know that, and they know what people are likely to give with reference to the future and ripening possibilities of that land?—Yes.

1933. Is that different in kind from the process that you propose for the purpose of betterment?—No, I think not. We only propose that he should state what, in his opinion as a valuer, is the improvement that that land obtains from the execution of the works.

Earl of *Onslow.*

1934. Does it sometimes happen that those who buy land which is ripening, as the noble Lord puts it, acting under the most competent professional advice, sometimes make disastrous speculations?—Undoubtedly.

Lord *Belper.*

1935. With regard to Victoria-street, we understood from Mr. Young that it had no increased value whatever for twenty years after the improvement was carried out, and therefore, I conclude, that no valuer could under your betterment clause as now fixed have given an increased value for it at a period something like seven years after the improvement?—That is what the noble Chairman put to me just now.

1936. Whether it was ripening for a future of thirty years or whether it was not, it had not an increased value at that time?—I said I should have doubted very much whether it would have put any value on Victoria-street.

Earl *Cowper.*

1937. It would depend on the disposition of the arbitrator whether he was a sanguine man or not. He might have thought it would come quicker?—He must deal with things as they are, to a certain extent.

Chairman.

1938. I suppose there is this distinction in the ordinary case of buying and selling in respect of land that is ripening for building, that the field of inquiry for the proposed purchaser is a little wider; he is able to see whether a town is improving and whether the building is going out in that direction. It is a question of degree, I admit, but I suppose there are more materials to guide the man who is forming a judgment about land which is said to be ripening for building than there would be where you took a totally artificial hypothesis of what is going to happen when such and such an improvement is completed?—On the other hand there is also more chance of loss.

Lord *Hobhouse.*

1939. I suppose you would agree that it is desirable to eliminate as much of the speculative element as possible when the valuation is made?—Certainly.

1940. Would it not be more desirable with that view that the initiative assessment which the Council is to make should take place after the work authorised by the Act has been executed, instead of sometime counting from the passing of the Act; I mean that there should be a term of years fixed?—We should propose that the course should be that the valuation for the assessment of betterment should be made at as late a stage as possible within the seven years. That is what would be the course of procedure.

1941. What I rather suggested was that there should be no assessment until the completion of the work, at all events, that the term allowed should run from the completion of the work when you would understand much better what improvement the work was likely to effect?—Certainly. That would be our idea of how the Act ought to be carried out. Perhaps the words of the Act may mislead to a certain extent, but that is my view, at any rate, of what the course would be, that the seven years is merely the limit, that you cannot hold it over the landowners for ever, but that within not more than seven years you should make your valuation.

Chairman.

1942. The noble Lord asks within seven years of what; from the passing of the Act, or the completion of the intended work?—As far as we are concerned we should prefer the later period, but we have put it in as seven years from the passing of the Act. Of course, it limits the number of years over which we can gain experience.

Lord *Hobhouse.*

1943. As the Act stands you might make an assessment within six months of the passing of the Act before the work is done?—Certainly; but

Lord *Hobhouse*—continued.

but I do not think we should get much out of it.

1944. It would be a futile thing?—Yes.

1945. Why should you make the term run from that point when so many years which have elapsed between the passing of the Act and the execution of the work are absolutely useless to you?—I think it would be an improvement in the Bill to date it from the execution of the works.

Lord *Belper*.

1946. I suppose under your Act you are bound to carry out your works within a certain time?—Yes, within four years.

Marquess of *Salisbury*.

1947. On the other hand there would be a danger if that were carried too far, that spontaneous improvements would be deferred for the sake of not raising the value in the eyes of the arbitrator?—Certainly; that would possibly operate.

1948. There would be a danger of excess in the opposite direction?—Of course, your Lordship will remember that for every improvement made the owner will receive a certain portion. There is always an inducement to him to make the best of his land. He receives half or more than half.

Earl of *Onslow*.

1949. Is not there also likely to be some damage to the property from the fact that it is known that there is the possibility of a charge hanging over it, and therefore the longer you put off the fixing of that charge do you not render the property less saleable during the whole of that interval?—I suppose that would undoubtedly have a certain effect upon sales and purchases; but at the same time I do not think it would have such an appreciable effect as to interfere with the justice of the principle.

1950. Presumably the owner of the property would be glad to know the worst as soon as possible, would he not?—Yes; I have said, of course, it would be to our advantage to put it off later, but we put a number of years in order not unnecessarily to damage the owner.

Lord *Lingen*.

1951. I should like to ask one question before you pass to another subject. You mentioned an increase from 3*d*. to 1*s*. per foot. Was that rateable or saleable value?—That was saleable value. The other instances were given from the rate books. Then I wanted to pass on for a moment to the question which has been raised on the hybrid word "worsement." We have not included in our Bills any provisions with regard to worsement. Our reason, I may say, for that, is that we have not been able to see that the consideration of worsement can affect any consideration of betterment. Worsement, with one exception no doubt, is rather used as a means of defeating betterment than as a reason against it. To the extent of this one exception, it is practically in the Bill, namely, that if a property is improved

Lord *Lingen*—continued.

in value by the improvement, and at the same time another portion of that property is deteriorated, then, of course, in ascertaining the betterment the arbitrator would take those two things into consideration; but we have not gone further than that, and, personally, I have never been able to see how we could legitimately put into a Bill which merely purports to appropriate a certain bettered value, other provisions which would alter the whole law of the Lands Clauses Acts as regards compensation to other persons.

Marquess of *Salisbury*.

1952. What is the clause which, as you say, includes that payment of worsement for the same property?—It is not stated in a clause. I am afraid I did not make it very clear. My argument is that so far as the particular property, and you restrict your attention to the particular property, is bettered and worsened, the net result is either a betterment or a worsement, but it is a net result.

1953. Where is that stated in the Act?—It is not stated.

1954. How is it to be conveyed to the mind of the arbitrator?—I anticipate that any arbitrator would take that view.

1955. Would it not be safer to tell him so?—We have I believe often said there would be no objection to telling him so with regard to the same property. As regards the same property, my contention rather is that an arbitrator could not give a betterment of 100*l*. if at the same time the property for any other reason was deteriorated by the same works.

1956. Do you think it is a matter of absolute certainty that he would take that view of the law without any express words guiding him to it?—Of course, I cannot say.

Chairman.

1957. May he not say this: I find a direction that I am to give value for betterment. I do not find any deduction in the whole course of the Statute in respect to worsement, and I must disregard it?—He has to construe the words. If in his opinion any property is bettered by carrying out this work he has to put on so much charge, but he could never say that the property was bettered if he found it was improved by 100*l*. and also at the same time decreased in value by 200*l*.

Marquess of *Salisbury*.

1958. I do not see anything about the word "property." There is the word "lands"?—Yes.

Chairman.

1959. Take the case my noble friend put to you. Here is, we will say, 100 feet frontage. We will assume that 50 feet of it is made very much better and 50 feet of it is made very much worse, we need not say why, but we will assume that. Is there anything in the Bill, as you have prepared it, which would justify the arbitrator in declining to give the betterment value in respect of the 50 feet because there was another 50 feet that was made worse?—I can only say what my

Chairman—continued.

own view of the clause would be, that it would not allow a man to put a betterment charge on lands when those same lands were damaged at the same time.

Marquess of *Salisbury.*

1960. You are assuming that the definition of "lands" is the property of one owner, but surely there is no foundation for such a definition of "lands"?—That is my assumption; it may be right or wrong.

Chairman.

1961. At all events, you would not approve that. If that were the view that the arbitrator would naturally take under your Bill, you would desire that the Bill should be altered in accordance with your view of what would be just?—Certainly. I think we have often said that, but as far as worsement to the same land, the same property, if I may use that word, goes, it should be set off, the one against the other.

1962. You do not go as far as Mr. Moulton did. He put it that if the same owner had two houses, not necessarily adjoining, but two separate properties in the sense in which you have used the word, that he should be able to set the worsement off against betterment?—No, personally I do not go as far as that. I think that in this instance you must deal with individual property and you cannot consider individual owners. The whole thing turns on whether a piece of property is improved in value or not, and it does not matter who it is that owns it.

1963. I think there is a fallacy lurking in the words "a piece"?—I do not see the fallacy.

Marquess of *Salisbury.*

1964. What constitutes property; two pieces united together by a small isthmus?—I should say what constitutes a property is land belonging to the same individual, contiguous.

Lord *Lingen.*

1965. If you look at Sub-section 7, Clause 37, it says, when the Council have stated what sum they propose to levy as betterment, then, "During the said month, any owner or lessee of any lands described in the assessment, or the occupier thereof at the time being, may, by written notice served on the Council, object to the assessment." It appears there that the people affected by the assessment are directed to take care of themselves by stating the objection, if they have any, to the assessment that is made. If you go on to Sub-section 10 of the same clause you will see that the matters which the arbitrator is to hear and determine are "the matter of all such objections," and it would seem therefore that he has nothing to do with objections unless they have been stated to him in that interval between the assessment and his own action as arbitrator. Is that the machinery under which you expect that worsement would be brought to the notice of the arbitrator?—Yes, in this way. He may serve a written notice that he objects to the assessment on any of the

Lord *Lingen*—continued.

following grounds, the first of which is "That any lands ought to be excluded by reason that it has not been, or cannot be, clearly shown that the lands to which the notice relates have been, or will be, substantially and permanently increased in value by the improvement." My contention was that under that clause it would be argued that although we might have put in that the lands were increased to the extent of 100*l.*, if at the same time he could show that that property, if I may still use the word, had been diminished in value by the operation and execution of the works, then that would be argued against the claim for betterment, and my own view would be that the arbitrator would accede to that argument.

1966. Then it would come to this, that the objector, having objected that his land was injured, the arbitrator, under Sub-section 10, would be bound to consider that objection, and could not refuse to consider it?—I should say so.

Chairman.

1967. Is there anything in that which suggests that he could set off the worsement of an adjoining property against the value sought to be put on it?—No.

1968. Take two houses, No. 1 and No. 2. Supposing, he says, No. 1 is not improved, and No. 2 may be, I do not find any trace there of an objection that No. 1 is made worse; it is only a traverse of the allegation of improvement?—Of course, it naturally gets back to Lord Salisbury's question about what lands are. I take it to mean lands in the possession of one owner and contiguous.

Lord *Hobhouse.*

1969. Take such a case as this. Suppose a man has an acre of land within your limits, and your new road opens up a frontage to it. That land is improved. Supposing the same man has another bit of land beyond the limits abutting on some small street close by, and the effect of your improvement is to take away the traffic from that small street, then his bit of land without the limits would be injured. Then is it not a fair thing when you come to that man and say, "We have put so much into your pocket," that he should say, "Yes, but the very same Act by which you put money into my pocket takes money out in another case, and I claim to set that off"?—I do not think so.

1970. You think it would not be fair?—As I said, I feel that you must keep the betterment perfectly separate. It is a charge on lands which are improved. The question as to whether any lands are damaged by the carrying out of a work comes under the ordinary law. You may amend the ordinary law, but that is the only way in which you are justified in treating that question. I do not think myself, for what it is worth, that that ought to be brought into the question as to whether the particular land itself is improved in value. If it is improved in value then, it ought to bear a charge. The mere chance that another bit

Lord *Hobhouse*—continued.

bit of land happens to belong to the same owner who suffers by this does not give him any claim over his neighbour. He suffers by it under the existing law. If he suffers unjustly, then the existing law as regards compensation ought to be altered; but, with respect, I do not see that it ought to be brought in as a *quid pro quo* against betterment.

Chairman.

1971. The only thing I wish to point out is that you must accept the noble Lord's hypothesis that it is injured. I observe that while you accept the hypothesis of improvement, you add to the other case the words that there is a mere "chance" that it is injured. You must take the fact that it is injured, must you not, in order to reason fairly?—I did not intend to use those words. Your Lordship has seized upon a word which had no meaning in my mind. I mean if it did become injured, then it becomes injured by reason of the carrying out of the works, and he must get compensation, or not, under whatever the general law says with regard to the compensation of private individuals.

Lord *Hobhouse.*

1972. In the case I put, the ordinary law would give no remedy whatever for the injury?—My answer is that the ordinary law ought to be varied.

1973. With regard to the charge that you make against the man, you are altering the ordinary law, and the case I put is that by the very same Act which enables you to ask something from him you injure him in respect of property without the limits. Does not that give a unity to the transaction which makes it just that when you are altering the ordinary law in your favour you should take into account that the benefit in one part may be an injury in another part. I am confining it to the same work, the same transaction?—I can only repeat what my own view is, that it would not be consistent with a principle which says that if land is improved then it shall pay, and it is not a necessity; because it is in a portion of one Act it does not necessarily follow that you must try and do justice all round. You cannot do justice all round, and the only way in which you can do justice in reference to this question of worsement is by altering the Lands Clauses Acts. It may be very advisable to alter them. The Lands Clauses Acts give in many instances too much compensation, and in many instances too little compensation; but that seems to me to be a general question which does not necessarily come, and ought not come, into a question as to the charge upon particular lands which the man may sell the next day. It is only a chance.

Chairman.

1974. I am afraid I do not quite follow you. An opponent might equally say you are altering the ordinary law. The thing has been done without my consent, and without my knowledge, and without any view to my advantage, and the ordinary law certainly gives you no right to tax

Chairman—continued.

me in respect of the making of that work. What my noble friend put to you was that the same Act of Parliament which alters the law in that respect and gives a right to charge, is one under which you also inflict an injury. If the ordinary law was altered for one purpose, why should it not be altered for the other?—I do not think it is quite correct to say that it inflicts an injury, because all we do is this, not to inflict any injury on the man. We simply say that we are going to do a benefit, half of which we are to take. There is no actual injury inflicted on that man at all.

1975. The hypothesis put to you was that there was an actual injury?—I mean in regard to the bettered portion.

Lord *Belper.*

1976. The actual difference of opinion between you and Mr. Moulton is this, that you would allow worsement to be paid for in the case of two properties where one was bettered and one worsened if they were contiguous, and Mr. Moulton would allow it also in cases where they were not contiguous?—Where they were under one owner; he took the line of ownership.

1977. You would allow it in the case of two properties which are contiguous?—I do not quite understand what you mean by two properties contiguous. I should allow it where the unity of possession and contiguity exists.

1978. I will take a case. I have a house which I am living in, and I understand this improvement is going to be carried out, and that I shall be charged for betterment. There is another house near me which I can buy, where probably the case will be the other way, where the property will be diminished and worsened. Therefore, for the purpose of getting a little back, I purchase the house next to it. The fact that they are contiguous enables me, as I understand in your opinion, to be paid for the worsement in the neighbouring house which I have purchased, and therefore to set off that against the betterment of the house I occupied before?—Yes, I quite understand that. Of course, there is no doubt that it is very difficult indeed to draw the line, and to my mind the only line that you can consistently draw is drawn at what I have said.

Lord *Hobhouse.*

1979. The point of connection would seem not so much to be contiguity as being affected by the same public work; two properties both affected by the same action of yours; one improved and the other injured. That creates a considerable unity?—I do not appreciate your Lordship's question.

Marquess of *Salisbury.*

1980. To ascertain how far your view goes, I would ask you whether you would extend the privilege of being compensated for worsement to where the worsened property belonged to the same owner and was contiguous, but was not within the area of lands to be improved or to be

Marquess of *Salisbury*—continued.

dealt with; that is the case where a man had one house just on the edge of your line of deviation, and another house contiguous to it under the same owner, but outside the line of deviation. You would still say that he would have a right to be considered for worsement?—Yes, I should.

1981. These words would not bear it. It would not be possible under the words of the Bill as it stands?—I do not know whether it would be possible. I presume it would not be possible.

1982. The objection is that lands included in the assessment ought to be excluded by reason that it cannot clearly be shown that they were permanently increased in value; of course if land is not included in the assessment it could not be brought within that objection?—No; my view rather was that it would be for the arbitrator to consider, and if he is asked to put a charge on a particular portion of land then it could be urged to him that that was not the whole property, and that the whole property in itself had depreciated in value, and, therefore, there was no betterment; but, at the same time, of course, I should think he would use his discretion as regards admitting a claim for deterioration some distance away, simply because a rich landowner owned a large property which went both within and without the limits of deviation.

1983. Even if that deterioration was caused by the same Act as that which caused the improvement?—Yes.

1984. You think the distance would deprive him of his right?—To my mind the initial question is what is that particular portion of land bettered? Then comes the question, who ought to pay for that, and then if the person who is paying for it can show that reasonably speaking the land which is his, and forms part of that property, is damaged, then he has a reason to escape the charge.

1985. We always get back to this, how do you define property?—Undoubtedly we always do get back to that. As I say, it is very difficult to draw the line, and it is very difficult not to be carried from one point to another.

Chairman.

1986. You were about to pass on to some other question?—I am, as I said yesterday, rather at a disadvantage, because I may be anticipating objections which are never urged, but I know there have been objections raised upon the imaginary theory that a person who has the betterment charge put upon him would be paying twice over, by reason of the fact that the increased value of his premises would oblige him to pay an increased amount in rates. I think that is a fallacy, because the first question for the arbitrator is the annual charge capitalised at a certain rate, and any arbitrator who capitalises the value of any buildings, or of any improved building, capitalises the net value after having deducted the charges which he foresees in the way of rates: and therefore the fact that this property has gone up in its rateable value, and therefore has to bear an increased charge for rates per annum, will be discounted in the arbitrator's mind, and must be discounted in the arbitrator's mind before he concludes what the betterment is. The owner will only be called upon to pay a charge upon the bettered amount less the consideration of annual rating. That is what I should urge in reply to that objection. In my opinion it is perfectly sound, but of course I may be mistaken; but if that is right then the whole objection that he will be called upon to pay twice over falls to the ground.

Chairman—continued.

1987. I quite follow what you mean. The difficulty that occurs to me is this: the arbitrator then is only to find the capital value in the sense of what it would sell for which may be a comparatively small sum, but he has first to make the calculation of how the rateable value will go up, and, having calculated that, then he has to deduct that and then value it in respect of what you call the net value of it. That is the process you mean?—His first process is what you say, that is, as to how the rateable value will go up. His first question to himself would be, What would that fetch per annum in the future, what is it going to fetch? That is the first question, I believe, that occurs to every valuer's mind. Then comes the question as to what charges there are on it which it must meet, and the result is, what is the net profit to the owner.

1988. I follow what you say, but the difficulty to the arbitrator is what strikes me?—It would be a difficulty, but it must be a difficulty which he would have to meet in any case.

Earl of *Onslow.*

1989. Are you speaking of the arbitrator under the Bill, or the valuers appointed for the purpose of valuing?—I am speaking of the arbitrator under this Bill. When he is fixing a certain charge on a certain house he will of necessity, as all valuers do, take into consideration that question.

Lord *Zouche.*

1990. There is nothing in your Bill as it stands, I suppose, to lay down that he is to make that deduction?—No; because, if I am right, it is absolutely unnecessary. He cannot say that the property is bettered unless he takes into consideration the fact that it has got to bear these charges.

Lord *Hobhouse.*

1991. You say it would be in the ordinary course of business for him to do so?—Yes.

Chairman.

1992. You say anything else would not be a charge on the net capital value?—Yes.

Marquess of *Salisbury.*

1993. You do not say much about net capital value. The exact words are "The assessment shall contain a statement of the amount which the Council allege will be the enhanced value derived or to be derived by the lands respectively from the improvement." Is it not open under those words to say that that has nothing to do with

Marquess of *Salisbury*—continued.

with the question of what the rates may be which the parish may afterwards demand?—We are continually in that difficulty, because, of course, we have not got a Bill before you at the present moment.

1994. But this is the Bill which you have given to us?—I mean not before this Committee. If we were arguing the Bill on the clauses, no doubt we could discuss these questions. My impression is that that would be the effect of the Bill as it stands.

1995. You will not condescend, using the word in the Scotch sense, to the details of the wording. You will not enter upon the particular wording of your Bill, but only upon its general effect. Is that what I understand you to say?—I rather feel a difficulty in doing so at this moment, because we have to come before a Committee of your Lordships with this Bill.

1996. And you are afraid you may commit yourself?—I am not afraid of committing myself, but I have no right to commit myself as to the wording of the Bill.

Chairman.

1997. You can say this, that this is what you mean?—That is what I mean.

1998. Without committing yourself to the particular words of this Bill, or any future Bill, what you mean is that the charge should only be upon net capital value in the manner you have described?—That is what I mean, certainly.

Lord *Lingen.*

1999. Taking this Bill not as before this Committee, but as a specimen of the Bills that may come before this Committee, would you object to put in an express sub-section of this kind. In Sub-Section 7, of Section 37, in the first Clause, the complaint of the objector is that certain lands ought to be excluded altogether from the assessment. Should you object to giving the further right of objection on this ground, that the enhanced value stated in the assessment ought to be reduced in consideration of circumstances depreciating such value. I do not of course make those words any part of the suggestion, but the first clause only, grounding the objection upon exclusion, would it be unreasonable to introduce a second sub-clause which would give the right of objection to the amount of the enhanced values stated in the assessment?—I think that is in the Bill at present, in Sub-clause 3. A reason for objection may be that the assessment is not correct in respect of some matter of fact to be specified in the objection, or in respect of the amount of charge upon the land. Surely that would open out all argument as to the question of the amount.

Chairman.

2000. You would say that is your view of what ought to be done. Whether it is there or not we need not discuss!—Certainly.

Lord *Lingen.*

2001. You take it to be included in the third section already?—My own view is that the arbitrator should have perfect freedom to consider every circumstance in the case as regards the amount of charge.

Lord *Egerton.*

2002. Would not this way of obtaining the value be a very expensive one to small owners, in consequence of their having to employ these valuers and to obtain local assistance. Have you considered at all how far it would affect small owners?—There would be a certain expense, no doubt, especially if it had to be fought very much, but we rather anticipate that we should come to an agreement in many cases. That objection undoubtedly arises on any proposal which necessitates arbitration. You cannot avoid it.

2003. Would it be possible to fix the value automatically in the same way as the annual rating is fixed, that is to say, that the betterment should follow the sum at which the house is assessed, and should rise or fall as the value of the property increased or diminished. Would it not be possible to have a betterment rate of that kind?—I think it would be possible. It is entirely a different scheme. Of course, then it would go on for ever.

2004. It would not go on for ever, because, on the hypothesis that it depreciated, the rate would follow the depreciation of the property, whereas on your system the rate would continue whether the property was depreciated or not. I am suggesting this as a fairer way, which would prevent the occupier or owner having to pay a betterment rate when his property is depreciated?—I am not sure whether that really, if it were gone into carefully, would work any more satisfactorily for the owners, because if I understand your Lordship aright the course would be this. The ordinary property has to pay 5*s.* in the £. rates and taxes. This particular property would pay 7*s.* in the £. additional, because it is raised by 15*s.* I should have thought the owners of property would have preferred to have had a definite charge which they could pay off than to have a thing which you never could pay off because it varies every year. It is a different scheme altogether, and, of course, one naturally worth consideration.

2005. The only objection to it that I can see would be that if the property increased in value from causes other than those connected with the improvement, there would have to be some power of remitting the rate, because it would not be caused by the improvement?—Yes.

2006. I suppose an appeal to Quarter Sessions would very fairly remedy that injustice, would it not, whereas by your system you have no appeal to Quarter Sessions, or to a jury?—I do not know really, because if anybody came and said "my house is going up enormously in value, and I have still to pay 7*s.* in every pound in respect of the Tower Bridge," it would be very difficult 20 years hence to prove whether or not it was due to the Tower Bridge, or to many other things. It seems to me there would be considerable difficulty in that.

Lord *Egerton*—continued.

2007. That would have to be considered before a court of law or the Quarter Sessions; and unless there was a very clear case, no doubt the rate would not be remitted; but there would be a means of remedying what might be an injustice by a man having to pay a rate, as is proposed by your betterment scheme, for many years after the improvement has been made, and when the improvement may have ceased to exist?—That is so. There are great advantages in the system, if you could devise one, but it seems to me difficult to devise any one on those lines that would be fair.

Lord *Lingen*.

2008. Assuming for a moment that the depreciation of value was covered by that third sub-section in Section 7, it would at most be an unnecessary addition to the Bill if an express clause were put in. The third sub-section gives as a ground for objecting that the assessment must be incorrect in respect of some matter of fact. Supposing that the assessment was incorrect, not upon some matter of fact stated in it, but by the omission of circumstances lowering the value, that would be covered by the words, "The enhanced value stated in the assessment ought to be reduced in consideration of circumstances depreciating such value." The effect of those words would simply be to state expressly what you say ought to be inferred from the clause as it stands, and therefore would not on that supposition be objectionable, would they?—As I have said, it is my view that it is right that the arbitrator should be able to take into consideration all those circumstances.

Earl of *Onslow*.

2009. I think you said it was an imaginary theory that the increased rateable value caused these properties to contribute more towards improvements. Is it not a fact that if the property is improved by your work the assessment of it will be raised, and it will contribute more largely than other people in other parts of the town?—I said it was an imaginary theory that it will be called upon to pay twice over. No doubt it will be called upon in the ordinary case of rise in value to pay a penny in every pound, and if the number of pounds goes up it will pay so many more pennies.

2010. If the owner is also assessed to betterment will not he be paying twice over, once in the rates, and once in the betterment?—No. I am afraid I did not make it clear, but my theory is that the enhanced rating is taken account of before the betterment charge is decided upon.

2011. At any rate it is possible, is it not, that the amount of additional rates, payable by reason of the improvement, may be sufficient to pay for the whole cost of it. Was not that actually estimated to be so in the case of the Cromwell-road Bridge scheme; perhaps you do not remember that?—No, I do not remember the particulars of the Cromwell-road Bridge. It is conceivable that the rates may increase, but, of course, they increase from a different reason. The reason that you rate people on property is because it is the best criterion of the measure of the ease with which a person can bear rating; that, I believe, is the whole principle on which the rating of annual value depends.

Earl of *Onslow*—continued.

Marquess of *Salisbury*.

2012. It is rather a formidable doctrine to lay down, is it not?—I did not know that I was laying it down. I thought it was a doctrine laid down years ago.

2013. You used the word "ease"?—I do not mean "ease," because it is not generally considered as "ease."

Chairman.

2014. I am not quite certain where that principle comes from. The reason you are rated is because the Act of Elizabeth says you shall be?—I suppose they had some reasons before the Act of Elizabeth. It has been pointed out to me with reference to the Marquess of Salisbury's observation with regard to lands, and what are lands, that of course lands have been very carefully considered in the Lands Clauses Acts.

2015. For the purposes of that Act, no doubt?—Yes; I could point it out.

2016. Is there anything else you wish to add?—I think that is all I can say at the present moment on the general question. You asked one of the witnesses the other day a practical question, apart from betterment, whether the money arising from this charge would be paid into a special fund or otherwise. I can only give you what the practice would be, and, perhaps, I know more about it than anybody else. The existence of the practice would undoubtedly be continued. Each improvement would have a separate account, and it would go to the charge of the improvement. We always do that, and our practice is that each improvement has a separate account.

2017. Debit and credit?—We only have one fund.

Lord *Belper*.

2018. You would raise a rate for that special account?—No, we should only raise one rate.

2019. Then I do not understand how you would get a separate account?—It is a subsidiary account.

2020. Unless you credit a particular farthing, or whatever it is, or a particular portion of a rate to that account, I do not quite see how you would balance it?—We have to pay in, of course, all the rents and so forth. They go into our consolidated loans fund account, and the consolidated loans fund is fed by the rates in a way which I need not go into; but, as a portion of that consolidated loans fund, the annual expenditure on each individual improvement is kept separate, and the annual receipts from rents are put to it, and then, of course, the balance of that would have to be made good from the consolidated loans fund, and then recovered into the consolidated loans fund by the imposition of a rate.

2021. You would have to take a certain sum from your general fund, and the more you get the benefit of that particular improvement from outside the less you would have to take from your general fund?—Certainly. It is merely a matter of account.

Chairman.

2022. It is rather a question of book-keeping?—It is entirely a question of book-keeping.

Earl of *Onslow.*

2023. I think the question arose in connection with the City; the question we asked Mr. Young was, what proportion does the City pay as compared with the rest of London towards your consolidated fund?—The City is part of the Administrative County of London. As such we raise all expenses over the City in precisely the same way as we raise them outoutside, provided that those expenses are not certain special expenses, which for certain reasons, and by certain Acts of Parliament, have to be charged only outside of the City. So that the result of it is that there is a general rate of, say—I am not quite sure of the exact figures this year—but we will say 11½*d.* all over the Administrative County of London, which includes all these expenses for bridges, and so forth, and then we have to make a rate of 2½*d.* over the outside of London, which makes the outer people pay 14*d.*

2024. Do the ratepayers of the City pay in any way towards the construction of the Tower Bridge?—The Tower Bridge is on a totally different basis. No one contributed to the construction of the Tower Bridge, because the Tower Bridge estates were shown to Parliament to be sufficient to allow of their being mortgaged to obtain the money out of which it is built. The money has been borrowed on the security of the Tower Bridge estates, which are under the care of the Committee of the Corporation.

Earl of *Onslow*—continued.

2025. So far as the construction of the bridge goes to improve the properties adjoining the approach to it it is not true to say, as your Preamble does, "Whereas the improvements will be effected out of public funds charged over the whole county." A part of the improvement is effected by funds charged over the whole county, and a part by the Tower Bridge estates?—Oh, no; the improvement in this Act is making these approaches. I do not know whether all you Lordships understood exactly what the practical proposal is. A bridge has been built, and will be opened this year, which goes right into Tooley-street. The approach from the bridge to Tooley-street is made by the City Corporation. Our proposal has nothing to do with the actual bridge. It is affording a means of access for South Londoners to the approach to the Tower Bridge. It is opening out a new route from the South of London to Tooley-street, so that it has nothing to do with this matter.

Chairman.

2026. It is not the approach to the Tower Bridge at all, though popularly so called. It is an approach to the approach to the bridge?—That is exactly what it is.

The Witness is directed to withdraw.

Mr. E. J. CASTLE, Q.C., is called in; and Examined, as follows:

Chairman.

2027. You are the author of a book on rating, I think?—I am.

2028. You are also one of Her Majesty's Counsel?—I am.

2029. Have you paid any attention to the subject of what has been called the "Betterment Clauses"?—Yes, I have had an opportunity of considering these clauses, and I have looked into the question from the point of view in which I am accustomed to.

2030. The Committee would be glad to hear your view upon it?—It seems to me that the Betterment Clauses, as far as I understand them, are a departure from the practice which has always favoured taxation in England from the time of Queen Elizabeth, and even before that. I think there are cases which go to show that it has always been the practice in England to put the taxation, as far as possible, on the occupation value. It provides a fund, out of which the taxes are paid, and without attacking the corpus of the property, and, with the exception, it seems to me of the death duties, which are a somewhat more modern innovation, all the taxation, imperial as well as parochial, in England depends a great deal upon what is produced year by year rather than upon the capital employed, which may be for the time unproductive. I do not know how far I need go into all these questions, because there has been a good deal of evidence given already covering the ground.

Chairman—continued.

2031. I do not think you need hesitate to give your opinion upon it?—For instance, taking the case of a brewery, the Excise tax is on the amount of beer that is made. They do not put a capital value on the brewery, which might be lying idle, and which would have the effect of destroying the *corpus* from which that income is produced. Also, it is not the custom in England to tax a man on that which he might have made if he had done something else, but to tax him on what he has actually made. That is the Income Tax. You do not tax a man because he allows a large sum of money to lie idle at his bank, or on the income he might have made, but on the income he has made; on the ascertained result. It seems to me that the principle of betterment is not to deal with the property as it is (improved or otherwise), but to find the value it would have to a purchaser who could use it as he pleased, and to be open to the objections which arise upon the taxation of capital which, as far as I can understand, is taken from the American practice. I do not know whether it would be out of place for me to call attention to the distinction between the American principle and ours. I have had an opportunity of looking into the subject since I prepared this proof, and as far as I understand, in America the Federal or the principal Government depends a good deal upon indirect taxation; but the State and the local taxation is made upon an estimate of all a man stands possessed of; in the same

Chairman - continued.

same way as it does with us when a man dies, and on this estimated capital he pays a certain percentage whether productive or unproductive. But that principle differs from the English one in this broad way, that it excludes from taxation all incomes which are not based on capital. Offices under the Government, salaries and professional incomes, and all those matters which are not derived from the use of capital escape taxation. It is a question between one principle and the other. The American principle is on capital, and ours has been since the time of the Act of Elizabeth to assess the occupier of property in respect only of the annual value of his occupation. That depends on what his occupation produces and the way in which each occupier chooses to deal with it. I have a quotation here from what Lord Mansfield says; I do not know whether it is common knowledge, and he says, taking it shortly: "The owner of lands may, if he pleases, suffer them to lie barren and unoccupied. Tithes and the right of them vary according to the different species of the product of the land. Yet the landowner may sow it, or plant it, or use it in the manner he likes best, or even not at all if he so chooses." So that it always has been our custom in England to rate a man on what he produces, and to leave it to his self interest, which is the proper corrective, and is always acting as a corrective to bring up the actual to the possible value. A man does not, as a rule, leave his property lying idle, although there are exceptions. Your Lordships may perhaps remember the case of the old lady of Stamford-street, who for many years allowed her property to lie idle and produce no rates. That has often been spoken of as a hardship; but it does not seem to me that it is a hardship. Persons contribute according to their means. Therefore, when taxation is proposed to be put here on the capital value, which I think I shall be able to show your Lordship the tenant in possession, or the landlord, may not be able to avail himself of, it seems to me it is a departure from the principle which has governed this matter now for centuries.

2032. I should like to ask you a question upon that. I admit that the witnesses who have come forward to support the betterment scheme have assumed that mode of calculating the amount to be charged, but I should hesitate myself to follow you, that it was essential to a betterment scheme that it should be charged on the capital value?—I do not mean to say that if they take the annual value, that is to say, the sum as it appears in the rate book from time to time, and as each change takes place in the occupation; and I want to refer to an illustration which occurs to me directly; I do not mean to say that that would not be a fairer method if that was the method of arriving at the result of betterment, if it was a matter the legislature thought fit to impose.

2033. I meant rather this, that you are assuming as essential to any charge of betterment a mode of taxing the capital value?—I beg your Lordship's pardon. I did not intend to. I intended to speak upon this clause.

Chairman—continued.

2034. You confine yourself to that particular clause?—My objection to the particular clause was, first of all, that it was a charge on capital value. I did not intend to say it was not possible to make it arise in another way. I should like, as I have mentioned the clause, to point out, if your Lordship will allow me, a matter which, I think, will require some consideration. Since I have been in the room I have been told that the interpretation the County Council put on the word "lands" is under the Lands Clauses Act; that is to say, to include everything which stands on the land. When I read this clause here, I took an entirely different view of it, and I think the view which might be taken (and it ought to be made quite clear upon the words) is that "lands" there means simply the site. In the 13th Section, for instance, there is a distinction made between buildings and lands, and also in several other sections. I do not want to labour it, but in the 32nd Section buildings or lands are referred to again; but when we come to the clause itself it refers to this first valuation which the arbitrator will have to make, and it says in the third paragraph of Sub-section 2, "In making such valuation the valuer shall separately distinguish and assess in the case of each hereditament the value of the land or site apart from that of any existing buildings thereon, and shall also value the hereditament as a whole." The word "land" there, as apart from building, it seems to me, might be interpreted in the absence of further explanation as meaning lands as distinguished from buildings.

2035. I do not think it is very important for us to deal with the particular language of this Bill. We are rather dealing with the project, and they conceded that the Bill itself was not exactly carrying out their ideas. You must take it, I think, that the view they have is what they have expounded in the witness-box, and not so much the exact words of the Bill?—I will not press it further, but I thought I would call attention to that fact. The case which I wanted to suggest to your Lordship is this. A row of private houses is crossed by a new road, and certain houses have to be pulled down. The consequence would be that there would be four corner houses where the one road crossed the other. It would be impossible to say, from one point of view, they had not been increased in value. They would have large frontages on the new street, and, if they were to be sold in the market, it might be that if the market value was higher there would be a considerable increase in the price which could be obtained for that property. I understand it is to be on the difference between those prices, taking half of it, that 3 per cent. would be charged year by year to the occupier of those houses. But it seems to me that that omits a great deal from consideration the fact that this value which has been put on these houses in consequence of their being, as it were, in the market to be sold, is not a value which could be measured as regards an occupation value. It does not at all follow that as residences they would be improved in value, or that they would let for more from year to year than what they had been let for before. It would rather

Chairman—continued.

rather seem, as regards private residences, that they would actually let for less; but it seems to me that as soon as the arbitrator was satisfied that those properties could be sold for a larger sum than the amount of the previous valuation had been there would be an amount put on the occupier or the landlord, although there might be as much as an 80 or a 90 years' lease to run, which would be a perpetual charge on them unless it was redeemed. It does seem to me that shows one of the hardships of dealing with capital value rather than occupation value. The idea I have in my mind is a house let for 100*l.* a year, the freehold value of which would be about 1,500*l.*; the value of the land about 500*l.*, and the building about 1,000*l.* After this improvement was made, and the house was thrown on the new frontage, with its depth turned into frontage fronting the new road, it might well be that it would fetch 2,000*l.* That would be an increase of 500*l.* on the whole, or a charge of 3 per cent. on 250*l.*, which would be 7*l.* 10*s.* a year. That value could not be grasped, if I might say so, by the occupier in any way. He cannot get it. He is under a covenant with his landlord to use the house as a private house. It might be sold to a person who wanted to put up a public-house, but the occupier cannot do this, and the landlord cannot because he has let the property for 80 or 90 years to a tenant. Then comes what I think is a very dangerous thing in this clause, Sub-section 18, to the tenant, if he is under any obligation to the landlord to pay, as he usually is, all Parliamentary charges. I have the usual form of covenant here, and it is this:—"And the lessee hereby covenants with the lessor that the lessee will pay unto the lessor the yearly rent in manner aforesaid, and will bear and pay the sewers rate, tithe rent-charge, and all other rates, charges, taxes, duties, sums of money, and assessments whatsoever, parochial, Parliamentary, or otherwise, which now are or hereafter shall be charged upon the said yearly rent, or upon the said premises." If you come to Sub-section 18 of Clause 37, there are these very curious words inserted: "Where the incidence of the charge as between any persons interested in the property is regulated or affected by contract or covenant, the arbitrator shall have regard to such contract or covenant, and this Act shall not be deemed to alter the effect of such contract or covenant." If that clause in the lease were held by the Court to amount to a contract to pay this as being a Parliamentary charge that has been put on the property, they might go to the House of Lords sitting as a judical tribunal to determine that question, and considerable injustice might be put on a tenant who could not alter the nature of the property, and yet would have to pay 7*l.* 10*s.*, because if it could be sold it would fetch an increase of 500*l.* on the property.

Lord *Belper.*

2036. In the case you have put of a lease for 80 or 90 years, would not the charge be postponed until the end of that lease was reached?—I think it ought to be postponed.

Lord *Belper*—continued.

2037. That is what we understand?—It is merely to be within the discretion of the arbitrator. What the discretion of the arbitrator may mean it is impossible to say. If it is read for all purposes where there is an existing lease in which there is a clause that the tenant shall use the property as a private house, which is a very universal one, I think the tenant ought to be protected, and not left to an arbitrator.

Chairman.

2038. The difficulty arises to my mind in this way. The way one of the witnesses put it was, it may be, very fair, that you may postpone the application of the rate for the duration of the lease, but they want to get the increased value which might arise by the landlord and the tenant agreeing between themselves. I think it was put that even in the case of a brewery they might cease to use it as a brewery, and turn it into private houses or shops, and then the increased value might be realised between the landlord and the tenant and the municipal authority, or the local authority making the improvement would get nothing?—I hardly agree with you. I do not see the argument there exactly. If they alter the nature of the occupation, which they might do by consent, or by the tenant rendering up his lease to the landlord, then you would have the altered circumstances which would be met at once by the increased rateable value.

2039. No doubt if you assume their theory is to tax a net capital value then the rateable value is no remedy at all?—Then let them have an opportunity when the change of circumstances takes place, if they are to tax capital value, to impose a tax.

2040. The theory they have at present is that at the end of seven years the arrangement would be made. Then they would have escaped, and there would be no further power according to their present scheme to inflict any other betterment tax, and yet the property having been in fact improved for saleable purposes at all events the charge might be so evaded?—I understand that point is reasonable, but it seems to me it is a case of a hardship of their own creation. They are seeking to alter the law, and it seems to me they are seeking an unreasonable power affecting the bulk of tenants who hold under leases because the exceptional tenant may do this thing. They can provide for it in another way and protect the tenant's interest as far as it is necessary to protect it and provide instead of making it seven years as soon as any change or alteration arising from a new improvement shall take place; otherwise it seems to me it is hard to give them power to tax the 99 tenants who cannot alter because the 100th may be in a position to defraud them of what they allege to be their rights.

Lord *Hobhouse.*

2041. Do you think it possible to forecast the cases in which the advantage of the betterment will not be enjoyable at once, and those in which it will be enjoyable at once, so as to lay down a rule

Lord *Hobhouse*—continued.

rule in the Act of Parliament. The arbitrator may do it perhaps easily enough when he has all the facts of the case before him, but we are dealing with the matter in the abstract?—I think, my Lord, the County Council are coming here to put a charge on a man who may not be able to derive any benefit from it. If there is a lease of a house for 80 or 90 years, or 40 years, he has bought the house and is under a covenant to use it as a private house. That is how I understand the position. I am suggesting that the County Council give in evidence that there is a public-house valuer who says, I will buy this corner plot for an increased amount, and therefore the value has increased 500*l.* He ought at once to be relieved from paying anything. You propose to trust to an arbitrator. You are affecting his rights under circumstances which, if he keeps his covenant, prevents him deriving a benefit from that property.

2042. Could not either of those cases be dealt with better before an arbitrator, and from inquiries directed to the special case, than they could be under the instructions given beforehand in an Act of Parliament?—I am a lawyer, and we live by the law, but my impression is that a man has no right to be put in peril of a decision which might be against him when he can be protected. It is new law. I do not see why a man should be put in peril, and especially when it all can be done in this way, by allowing the County Council, if any alteration takes place in the occupation, to put on the increased charge.

Lord *Belper.*

2043. Then the increased charge, in that case, would not be felt till the change took place?—Till the ascertained result took place.

2044. It might be 50 years afterwards?—I do not know why it should not be 50 years, if necessary.

2045. That would be your proposal, that the valuation should not take place till the change in the occupation was made?—It is not my proposal. I am speaking now against this question of betterment, and I am showing some of the difficulties that may arise on the system they present. It is not for me to find a way out for them. That would be the result, that they might wait for 50 years, but self-interest is the best protection against that. A man will not allow his property to remain for 50 years if he can get an increased value for it.

2046. Your alternative suggestion, instead of what is in the Bill, was, that this valuation should not take place till a change of occupation took place?—If it took place then. I say, at all events, so long as a tenant is in a position in which he cannot make use of this increased value he should not be put in peril of an arbitration. That is the way I put it. I know a case in which the Middlesex Sessions paid rates for 100 years, and it was only a few years ago they found they were not rateable at all and they were let off. It is not a question of years in dealing with property.

Chairman.

2047. I do not know that the gentlemen who have given evidence would have disagreed with you as to the non-rating of the person who has derived no benefit from it during the continuance of the state of things which prevents him from deriving benefit. I rather think yesterday they said in terms that, taking Messrs. Slee's Vinegar Works, as long as they continued as Vinegar Works they were not to be rated at a higher value?—Well, I do not know that I can add much to what I have said, except this, that it seems to me the fair measure of value of any increase in property, according to our English notions, is an increase in rateable value. It corrects itself from year to year. It is not fixed and it is not permanent, and there is plenty of opportunity for an appeal, and the parties can go before the Assessment Committee in the first instance, and afterwards before the Quarter Sessions, and they can state from time to time as occasion arises why they should not have increased rating put on them instead of having any arbitrary amount placed on them. I do not know whether your Lordship would like me to make one or two observations on the section itself. The period of notice leaves them only 23 days. There is a month given, and seven days may elapse before notice is given, this leaves only 23 days, it may be holiday time or anything of that kind, in the course of which the occupiers may be fixed permanently with this charge without appeal. We all know the cases which counsel have to deal with, in which some slip has taken place. The parties have not observed the time; or they have not seen the notice, or it has been put away in a drawer, and, therefore, in all these cases Parliament ought to take care there is some power to relieve a person from mere accidents of this kind. It is Sub-section 7 of Section 37: "During the said month any owner or lessee of any lands described in the assessment, or the occupier thereof for the time being, may by written notice served on the Council object to the assessment." If no such notice is given, then he is fixed with it for all time. They need not give the notice until seven days afterwards, so that the person practically only has 23 days to do it, and there is no provision here that the notice sent to him will state that he will be bound unless he gives the notice. These are very material legal points as regards the administrative working. On the question of betterment I should like to call attention to what the County Council themselves were willing to accept as a clause in the London Streets and Buildings Bill. As a matter of fact it was not allowed by the Committee just lately, but the clause was almost a compensation clause. It was with regard to the increased width of streets, and there the clause they wished to put in was, "The Council shall be liable to pay to the owner of land or buildings required for such greater width compensation for the loss or injury (if any) sustained by him by such requirement after giving credit for any increased value or improvement which may accrue to other land or buildings belonging to him by reason, or in consequence, of such greater width."

2048. What

Chairman—continued.

2048. What is that from?—From the London Streets and Buildings Bill; the clauses which were brought up and agreed to on the part of the Council Council.

Marquess of *Salisbury.*

2049. That was rejected on Tuesday?—That clause was rejected. I do not know what the ground was except that it was special legislation with respect to an owner who happened to hold property in two places.

Chairman.

2050. That clause was brought up by the County Council?—It was proposed by one of the opponents, and agreed to by them. I do not know that there is anything else I can add. They called it "set off" in that case.

Marquess of *Salisbury.*

2051. I want to ask you, merely as a matter of law, in the case of the postponed charge, supposing before the charge accrued the land was sold, what sort of obligation would go over to the buyer. Would it be an obligation attaching to him personally, or would it be merely a power to the Council to levy it on the land?—I suppose he would be affected with notice that the charge was hanging over the land in some way, and he would buy, it subject to such notice. I do not see any other way in which it could be done.

2052. I meant in this way: If the land was not sold, and the owner allowed the tenant to break his covenant, not by a formal deed, but by acquiescence, I presume the owner would be liable in some sort of way for trying to defeat the County Council. Would that obligation or liability go over to the purchaser?—I suppose as soon as ever the alteration of the hereditament took place by the connivance or consent of the landlord the County Council would step in and fix the charge.

2053. They would have the right to do so even if it was in breach of the contract?—I should think so. They have nothing to do with the question of breach of contract.

2054. Who would they levy it on?—On the occupier, I suppose, if he was under a covenant to pay all charges. There is one thing I forgot to mention, and that is, that the effect of placing a charge on the capital would be that all vacant land and empty houses would be rateable, which I think I did explain to the Committee was not the case now, because being on an occupation value, as soon as the land ceases to be occupied, or houses cease to be occupied, they do not pay rates.

Chairman.

2055. You are aware of the difficulties that arise, that if you postpone the claim of the County Council, or the municipal body whichever it is, for a long time, you, of course, render the problem a very difficult one, whether the increase in value is attributable to the improvement, or attributable to the general circumstances of the neighbourhood or the city?—I think that that may be a difficulty for them, but

Chairman—continued.

that is a difficulty which is a necessity of a change in the law. The law, as I understand, at the present moment, is, that these improvements are not to be charged for any more than a railway company making a railway through a district does not get contributions from that district, though it improves it. Brighton, for instance, has been made by the Brighton Railway Company, and yet there was no contribution from one to the other. Therefore, the County Council are seeking to have a change in the law, and if it produces a difficulty, they must grapple with it. It does seem to me it would be an injustice to make any tenant pay for 80 years. His landlord might say: "I will not give you any assistance; I have done with you; you have got your lease, and you bought it: there are 50 or 80 years to run, or whatever it may be; you have to pay 7*l.* 10*s.* a year; what does that matter to me?" It does not seem to me that you can work injustice, because they may have a difficulty thrown on them in carrying out an alteration in the law.

Lord *Belper.*

2056. I understand the difference between your views and that of those who propose these schemes is that you both admit that a charge of that sort, where there was property let on lease, should not be made so long as it was not earned, and that if that betterment is not proved during the lease it should be postponed; but your proposal would be, instead of the valuation being made at once, the valuation should also be postponed?—That I do not care for. I do not care when the valuation is made; but if you admit the principle, which I do not admit, of course, that betterment should take place at all, it seems to me the valuation might be made, but there should be no charge accruing so long as the tenant in possession could not get the advantage of it.

2057. As I understand, that is precisely what is admitted on the other side?—Even if there are 80 years to run.

2058. Even if there are 80 years to run?—But then that is not quite so. As I pointed out, the clause only makes it discretionary with the arbitrator, and he may impose something on the landlord if he chooses, and if he imposes anything payable *in presenti* then the tenant must pay under the covenant which makes him liable to pay Parliamentary charges.

2059. I do not want to argue on the question of the clause, but that is the explanation. Their principle is that they do not wish to make the property pay on the increased value if it has not been earned by the occupation then going on, but the moment the occupation ceases, and it could then be used to better purpose, that then they should be able to step in and say, "Now it is time betterment should begin"?—Even then there is considerable hardship. Take the case of a man who is his own freeholder, and does not want a change. A man who does not want a change has got into his house, and is living in his house, and suddenly he finds that he has got to sell it, and realise 500*l.* if he can. That is what it comes to.

Lord *Belper*—continued.

2060. I do not understand he need change, or that he is compelled to change?—If he does not change he must pay 7*l.* 10*s.* a year.

2061. If the use that that property is being put to is of such a character that the increased value is really earned?—I do not understand that. If the property would sell for 500*l.* more, then there is 250*l.*, being half the increase, that he pays 3 per cent. on.

2062. I was dealing with the case of a lease, and I think you rather changed in the middle of your argument to the case of a man who is occupying his own property?—I say even when the lease is done with, or in the case of a freeholder occuping his own property, there is a hardship in making him pay or sell.

2063. The value to the freeholder, of course, is a separate thing, as I understand it, and might be increased in value. That would depend on the length of the lease, but he would not have to pay either the interest or the capital itself until he came into occupation by the lease coming to an end. Is that what you understand?—That is what I understand. It is left for the arbitrator to determine, but it is not absolutely fixed in the Bill.

2064. I only want to get at the understanding of what the intention is rather than the words of the Bill; but you agree with that?—Yes, as I understand. Then I was saying, if I might follow it up, even in the case of a freeholder there is a hardship in making him pay an increased amount, or sell his property. A man may have settled down, or may have retired and got a house that suits him, and then suddenly is informed by the County Council that, in consequence of an improvement having taken place, he can sell his house for more than he gave for it; and, they allege, he must pay 7*l.* 10*s.* on the increase value of it, which is 500*l.*, or else go out and sell the house.

Lord *Hobhouse.*

2065. You are speaking of a freeholder in possession?—Yes. It seems to me even that it is very inquisitorial. It seems to me it is hardly English to fix a man with a charge like that.

Earl *Cowper.*

2066. The same injustice is then taking place to a certain degree with reference to ordinary rating?—I hope not.

2067. When a man finds the value of his house increased for any reason whatever he has to pay more rates?—He has a beneficial lease after a time. He may take a lease for 21 years and gain 200*l.* a year.

2068. I am taking the case of a freeholder who lives in his house, instead of selling it. For ordinary rating purposes, if that house does increase in value from any cause whatever his rates are increased?—Yes.

2069. Though he might prefer to go on living as he did, and not make any change?—That is so.

Earl of *Onslow.*

2070. Is that quite so? Because if a man is living in a house which he wishes to retain for a residence, all he is rated upon is the value of that house as a residence, and not the value of the house for warehouses or shops, or anything else?—That is so.

Earl of *Onslow*—continued.

2071. But under the Bill, as I understand it, the arbitrator would have power to assess that property, not for the purposes of a residence, which the freeholder would wish to keep it for, but for the purpose of something else which he does not wish to turn it into?—That is so. He has to pay, because he might sell it for some other purpose. It is not quite the increase in rateable value where the neighbourhood may go up together. But, because it happens to be a corner house, or something of that kind, and could be sold for a public-house, or for warehouses, that is a special thing which applies to the property specially, and it does seem to me that it is straining the law to make him sell when he does not want to, or else to pay an increased rent.

Chairman.

2072. Still, I think what the noble Lord has said is true in one sense. Take the statutable test with which you are doubtless very familiar. Supposing this alteration has made the house such as that a tenant from year to year would give more for it than he would before the alteration, as a matter of fact, undoubtedly, the quiet gentleman living at the corner would be compelled to pay more rates?—Yes, he would find his property had gone up in value, and would be increased at the quinquennial valuation, but it would not be the value which would be for an entirely new form of occupation.

2073. That is another matter. To some extent what the noble Lord put to you is quite true. There is an increase?—Yes.

Earl of *Onslow.*

2074. It might possibly happen that the freeholder of a residence when a new street comes, might absolutely, for residential purposes, be worsened, that is to say, his property might be less valuable, but for the purposes of warehouses or something else it might be increased in value, and therefore under this clause he would have to pay more?—Have to pay more though actually worsened.

Marquess of *Salisbury.*

2075. Do not you think the analogy might be turned the other way, and that the rating authorities of the parish, if such a Bill as this were passed, might think it would be very convenient to have a new mode of assessment by which they might make a man pay more rates if he lives at a corner that was capable of being turned into a public-house?—You mean to say, rate him on his possibilities, and not his actualities. It would be very nice, but it is not the law at present.

Chairman.

2076. I am afraid the law would prevent that?—Yes. You must remember this occupation value has grown up out of 200 years struggling between the different ratepayers and the authorities

Chairman—continued.

authorities. I have thought a good deal about it, and one can see how it has gradually grown up. First of all the courts would not give any sanction to it, but it gradually grew up till it was finally settled by Act of Parliament.

Marquess of *Salisbury.*

2077. Do you think that would be any ground for its not being changed now?—I think that the things that have grown to the constitution ought not to be tampered with more than you can help.

2078. Would you look at the 26th page, the 3rd sub-section, line 12. There is some little controversy as to whether the enhanced value mentioned in those three lines would or would not be corrected by the enhanced rating which would result?—I heard the evidence given by Mr. Dickinson, and, to a certain extent, his statement is true, because if the property had gone up, to take the case I have already given, from 1,500*l.* to 2,000*l.* he would take into account, if he wished to alter the occupation, that he would necessarily have to pay increased rates. If a man was going to buy property which he is going to improve he would say, I can give so much for it, knowing I am going to pay increased rates, but if I were not going to pay increased rates I would give so much more.

Marquess of *Salisbury*—continued.

2079. You think it would be a fair objection to the assessment of the County Council if it did not take into account that probability?—I think that is one of the arguments which counsel would use before the arbitrator. If you were for the owner you would say it is all very well to say: this is the value, but do you take into account that when you make this alteration you would have to pay increased rates. That would be rather a matter for the arbitrator, I think.

The Witness is directed to withdraw.

Mr. ROBERT VIGERS is called in; and Examined, as follows:

Chairman.

2080. I PERSONALLY happen to know you as a surveyor of very considerable experience, but will you state what has been your experience as a valuer and surveyor?—I have been in active practice, my Lord, for 40 years. I began very early in life my profession, and I am now 67, so that I have seen my profession in all its phases, I think. I have represented a great many different local authorities, the Metropolitan Board, and the City, and also a great many railway companies, in dealing with property, the whole of that 40 years.

2081. Have you studied the proposal for a betterment charge?—Yes. First of all the betterment theory was introduced to me by the County Council, in the Strand improvement case, and I studied it very carefully then, but I was unable to take any part in the assistance of the County Council. I retired from that, and in all the other cases that have been brought forward I have taken part in opposition to it.

2082. Have you considered the difficulties of arriving at any common standard as a ratio of proportion between the different properties situated within what is called the limits of deviation?—There are very great difficulties. I have looked at it from all points of view, and from my own experience, and I have come at last to the determination that it cannot be carried out fairly. So much have I studied it that I have come to the conclusion that it is not a case that I would undertake under any circumstances, looking at the present Bill and Acts of Parliament that are proposed to be passed. I say that it is a matter that cannot be dealt with by a surveyor understanding his business. It becomes in my mind a very serious question, and there are so many difficulties always arising in these improvements, that I do not see my way to draw the line. Take, for instance, one case in my experience, the street that was made from the

Chairman—continued.

end of Holborn to join Oxford-street. The traffic, originally in my younger days, used to go through Broad-street, Bloomsbury, and St. Giles, and it was a very difficult way to get the large traffic through. It was thought that a street joining Holborn and Oxford-street so short a distance apart would be a very valuable street at once. My experience is, that that has not been a very valuable street. It is only within very recent years that the property has been at all a success.

Lord *Lingen.*

2083. Is that New Oxford-street?—What was called New Oxford-street.

Chairman.

2084. Could you give the date of that, because I am particularly anxious to get that?—I do not think I can give you the date. I could get it for you.

Marquess of *Salisbury.*

2085. Somewhere about 1844?—I think it was somewhere about 1845 or 1846. That was a street with regard to which an arbitrator would have said, "This is a great improvement, it is going to be a good street, and the land and properties at the back of it will sure to be improved." The effect of that was to simply destroy the property in Broad-street, St. Giles, and, as I say, the street itself was not a success. Then I am old enough to give you some instances about Victoria-street, Westminster.

Chairman.

2086. Before you leave New Oxford-street, I should like if you could give us a more definite state of facts. Had you any experience of the letting value of property before and after?—No; it was very small property before, property of a

Chairman—continued.

different class quite that the street went through. When the houses were built they were occupied for short times. People went bankrupt in the street, and practically the whole thing was a failure. The people did not get proper interest on their outlay for their buildings, and it was a great failure. Then Victoria-street, Westminster, was begun, when I was quite a boy.

2087. I think some witness spoke of 30 years ago, but I think it is older than that?—It was 45 years ago or more than that, and it is not filled up now. According to my experience there are many parts of Westminster at the back of that street that have not really increased by that street improvement. In some cases it is improved, but it has been many many years about it. It is not always to be said that a street is a success. Some streets that have been made have been a success. For instance, the one that has been such a very great success was carried out by recoupment, and that was the property that was bought from the Duke of Northumberland for Northumberland-avenue. That was an extraordinary success. I acted as surveyor, in connection with the sale for his Lordship to the Metropolitan Board of Works, and I remember most distinctly that his Lordship's desire was that too large a price was not to be put upon it. It was to be a fair market price. That has been a very great success, and I think that some streets that have been carried out, if they had been carried out with the view of making the most of the surplus lands, might have been a success. There is a very strange notion of carrying out those streets, and it has gone from the Metropolitan Board of Works down to the County Council, that is to have a grand opening of a street. Now, in my opinion, that is a mistake. What you want to do is to clear a part of a street if you are looking for recoupment, and make a part of it, do not stop at a dead end and turn the traffic up the side streets. When you have done that piece begin another piece, and give the people an opportunity that you are going to turn out from the next part of the street to re-establish themselves in the neighbourhood of the new street, and so go on piece by piece. If you keep the street shut up till it is finished, and you come to the end and open it, all the people that would have been your customers have been driven away and have settled in other places, and you open your shop when all the old customers are supplied. Now I say that is one main and strong reason why recoupment has not paid. In dealing with railway companies I could give many instances where I have saved a very large amount of money by dealing in that way in rehousing the people in position as you turn them out. Give them an opportunity of re-establishing themselves by going on to another piece of ground. That might be done, I think, in a great many cases, especially in large cases in connection with a street improvement. So that I do not think recoupment has had quite a fair chance. I have given the matter a very great deal of study, and possibly there may be matters that I should not think of now to mention to your Lordships, but I am quite prepared to answer any question that might be put to me about the various improvements.

Chairman—continued.

Earl of *Onslow*.

2088. Do you know anything about recoupment in the City of London?—Yes. I have had a great deal to do with the Poultry. That was widened at the expense of the City. With reference to many of the properties there, after they were taken down, the land was re-let at a greater ground rent than the interest upon the cost of purchasing the property. That, of course, was thought to be a great improvement, and that the property when it was on the widened street would be of greater value than it was before, but the result was that they fetched so large a ground rent that when it was let for persons to occupy there was no margin left to pay interest on cost of building. An arbitrator, if he had been told to fix what that land was to be would have made a great mistake. He would have put a charge upon somebody—the owner at that time it would have been in perpetuity—for that which never could have taken place. The fact was that although it is an extraordinary place for business, it had not increased to that extent that was generally thought. Then, with regard to Queen Victoria-street, there was a part of that street had been formed a great many years since by the City, and that was called Little Earl-street. That property has been in my management for a great many years. Before the new street was made (Queen Victoria-street into Cannon-street) Little Earl-street was built, and the buildings were formed of a proper construction for the then class of business that was located in that position. They were warehouses chiefly, offices on the ground floor and warehouses above. After the street was opened it drove so many of the people surrounding that piece of street into another locality, because they were obliged to go and settle themselves in a new locality before the street was opened, that those properties in a short piece of the street are now, most of them, of a construction not suited for the times. When I have been granting new leases of those properties, I have had to greatly reduce those rents, but that is since the new street has been opened. There is one, a leather factory, where they have had a large reduction. There is the electric light people, and they have had a very large reduction, and I have just relet one corner place, a large place, and that we are just getting the same rent for that we did before Queen Victoria-street was opened. But it does not always mean because a new street is made that there is going to be an improvement or a benefit to the people who own the property. Holborn Viaduct was formed at great cost. Some of the lands immediately surrounding Holborn Viaduct have increased, but there is another place which is well known, I dare say, as Hatton Garden. Those houses have all of late years decreased in rent. It was the centre, before the improvement was made, of the diamond merchants. For some reason the diamond merchants

Earl of *Onslow*—continued.

merchants have moved. They are most of them out on the Viaduct in the upper parts of those houses, and the houses in Hatton Garden have decreased in value.

Chairman.

2089. To any considerable extent?—I should think 30 per cent., 25 to 30 per cent.

Earl of *Onslow.*

2090. Is that true also of the properties on the opposite side of Holborn Viaduct, St. Andrew's-street?—St. Andrew's-street was a new street. That was nearly all rebuilt then. There was no street down in that neighbourhood.

2091. Has it maintained its value from the time it was first built?—Yes; I think it has nearly.

Duke of *Norfolk.*

2092. Houses that have decreased in value are old houses built before the improvement?—Yes, houses that would by this street improvement have had an improvement charge put on them.

Chairman.

2093. Hatton Garden has, no doubt, been opened, so to speak, on to a very wide area. We have heard that that was one of the elements of improvement, and you say it has nevertheless decreased in value?—It has decreased in value.

Lord *Belper.*

2094. I think you said that they were properties that would have had an improvement charge on them?—If an arbitrator had had to fix the price it might have been supposed that these properties must be benefited by such a great improvement.

2095. May I ask you if a valuation had been made by a competent surveyor of these properties at some reasonable period after the improvement was completed, whether in your opinion an arbitrator would then have given an increased value to those properties?—If it had been long enough for him to have found out the effect he would not, but if there were any leases it would be impossible for him to judge. I say it is so speculative that I do not see how a man is to say how it would be. What is to happen at the end of the lease?

2096. If the time that had been allowed to elapse after the improvement was sufficient to show whether the property had or had not increased in value in these cases, a betterment charge would not have been put upon them?—Certainly, I should think so.

Marquess of *Salisbury.*

2097. When did the diamond merchants begin to leave; immediately on the opening of the Viaduct?—I should think they began to move about six or seven years afterwards.

2098. So that the signs of depreciation would not have set in till then?—Certainly not.

Earl of *Onslow.*

2099. You said, I think, they depreciated 30 per cent., but the proposition under the Bill is not to take for the purpose of the County Council more than 50 per cent. of the value; do you think that such a margin as that would be enough to allow for errors in valuation by a surveyor?—They are proposing to take 50 per cent. of the improved value, not of the gross value, only the improvement.

Marquess of *Salisbury.*

2100. He would have to pay half of the assumed but unreal increase in addition to his own loss?—Yes, certainly.

Earl *Cowper.*

2101. You think it would be impossible for you, if you had been the arbitrator, to say one way or the other, whether it would have been improved or deteriorated?—I think, my Lord, that it is impossible for a man to do it really to be doing justice.

2102. And that you yourself would have been deceived and would have thought there would be an improvement?—I feel so, my Lord, that I might be deceived, that I would not undertake such a business.

Lord *Hobhouse.*

2103. Then, if the arbitrator's mind was, no doubt he would not allow betterment?—Yes, but then if he is simply treating it as in doubt, he is not doing what he should do under the Act of Parliament.

2104. Why?—Because he is bound to do what he thinks is justice.

2105. It must be proved under the Act of Parliament that the property you seek to charge has increased in value; if that is not proved the arbitrator would award nothing?—And that can only be proved by someone else speculating as to what it may be.

2106. Yes, but the speculations are judged of, and controlled by a man who is presumably a skilled and able man?—No. There has been some little misunderstanding on that question. A question was put to me some time since: Are you not in the habit of valuing property on the present value, and putting a value on it in reversion, and my reply is: Yes, but all you can do in valuing the reversion is to say what is the fair rent of a place to-day. I defy any man to say whether any house in London 10 years hence is going to fetch the same rent, or more rent or less rent, and the way a surveyor manages to value a reversion is this. He says the property is worth so much to-day; I base my valuation on that, taking the chance of its rising or taking the chance of its falling, and that a purchaser does not mind doing.

2107. That is what the arbitrator here would have to do?—No, my Lord, he has to speculate as to what it is going to be, not what it is to-day, but what it is going to be after the improvement is made.

2108. That is not the plan. The plan is that the arbitrator shall say what, in his opinion, is

Lord *Hobhouse*—continued.

the present value to sell of the property, and what it is as compared with the value before the public work was executed?—First of all, you have something which shows what it is to-day before the works begin. That is how I understand it. He is asked when the street is open what is the property worth then. He has had no experience of what it may be worth. It may go up or go down.

2109. Is there any greater difficulty in that than in other valuations of property which is fluctuating from day to day?—Yes. I say that when you are valuing the reversion, and that is the only thing you can value and work out, you take it at what it is to-day, and not what it is going to be five, ten, or twenty years hence.

2110. The price of to-day depends on the estimate of what it will be 10 years hence, does it not?—Yes.

2111. Take the property near the great towns with buildings growing out to it every year, and value altering every year. Is not that constantly valued either for sale and purchase or for succession, or whatever it may be?—No; you cannot tell. It is what it is to-day, and not what it is going to be 10 years hence.

2112. In point of fact, it is so?—I do not think so.

2113. It is valued?—No, it is not. I say it is valued at what it is producing to-day.

2114. You say it is only guessing?—If you go outside that it is only guess. You might as well say it would produce so much.

2115. In point of fact it does constitute a matter of transaction between man and man?—Not upon your basis, my Lord, as far as my experience goes. It may do.

2116. I think you have mistaken the basis. I do not think you sufficiently bear in mind that the arbitrator has to say what every valuer would say to a man who wished to sell, or to a man who wished to have property valued for a tax. He has to say what is the value at the present moment in his award, so far as future expectations and hopes enter into that value, it only resembles other property?—The expectations of it increasing in value, if a purchaser is a prudent purchaser, is set against the expectation as to the possibility of its decreasing in value, and if you want to arrive at the reversionary value of a property that is going to fall into your hands at the end of 20 years, I say you would value it on the basis of what it is worth to-day?

Marquess of *Salisbury*.

2117. Is that because such expectations do not in fact exist?—They do not exist.

Earl *Cowper*.

2118. Then you are altogether against the principle of what is called betterment. You do not see any means of obviating the objections which you have raised by periodical revision, instead of fixing the price once for all?—If you take a periodical revision, there are always alterations being made in London. How are you to follow

Earl *Cowper*—continued.

what is the cause of the improvement, the first alteration, or the second alteration, or the third. For instance take this case. Tooley-street on the south side of the River Thames was improved by the Metropolitan Board of Works. It was a very narrow street, and it was made into a wide street. One side of it, for nearly the whole distance, was taken down. If there had been a charge of betterment, or if it had been legal at that time, there would have been grounds for saying that one side of the street possibly was improved, and it might have happened that the whole length of that improvement had a betterment charge put upon it. Now the suggestion of the County Council is to make a new street to give access to the Tower Bridge. The whole of that property between the Tower Bridge and London Bridge, when that new street is opened, will lose all the advantage of the traffic between those two points. That will be taking a very large source of the profit by the improvement away from that part of the street, but the people left in that part of the street would have to pay the betterment charge. What is to relieve them. That sort of thing is constantly done. You take the traffic away out of a street by making another street, and if you put a betterment charge on the people they have it on their backs, but if it is paid out of the rates, if the property goes down the rates are reduced, and if improved in value they are raised.

2119. Then another plan is obliging the authority to buy, if the owner wishes it, at the arbitrator's valuation, minus half the improvement. Supposing the Committee were to agree to that, would that obviate the unfairness towards the owner?—Certainly it would. If the authority were firm in their belief that what they were going to do was for the benefit of the man's property, and that there was a large improved value in it, what possible objection can they have to buy it at the old price and make the profit themselves? There would be no objection then on the part of the owner. He would be selling his property at what he said himself it was worth, and they then would get the chance of making the profit that they said he might make.

2120. That would be the old principle of recoupment?—Hardly that. I would put it in this way, that the landowner, if the board were going to put a betterment charge on him, should have the right to say: "No, you may take it at the market price; take it on your own shoulders and enjoy the benefit."

2121. That is a modification of recoupment?—Yes.

Earl of *Onslow*.

2122. There is one element in this Bill which I think is new since you gave evidence before other committees on this subject which I should like to call attention to. It was put in in the House of Commons, and it is that in making the original assessment before the improvement is made the valuer is distinctly directed to "separately distinguish and assess, in the case of each hereditament,

Earl of *Onslow*—continued.

hereditament, the value of the land or site apart from that of any existing buildings thereon." I want to know whether, as a surveyor, you would be capable of undertaking such a valuation?—Of course it is possible to separate values of land from buildings. Everybody knows what a building would cost, and therefore any difference must be in the value of the land, and so it is possible to divide the two, but in dealing with the property it is not a fair way of arriving at its value. You may have a building far too good for its position, or you may have a piece of land far too good for the building; so that if you put the value of a piece of vacant land and then only add the building to it you do not get the true value. If a building is standing in its proper position of course you take the value in the building whatever it is, and the only difference is the value in the land. A building costing 1,000*l.* would be 1,000*l.* everywhere in London if it is in its proper place; but there are many buildings that cost 3,000*l.*, 4,000*l.*, or 5,000*l.*, that will not fetch any better rent than a building put on that land at a cost of 1,000*l.* It is out of date.

2123. It might happen that in valuing the land and the building separately you might value each at such sums as, added together, would be more than the value of the site and buildings as they stand?—Most decidedly. I understand that Mr. Harrison cited me as dividing buildings and land. I did value the hospital opposite here for rating purposes when it was first built. That was a new building built for the hospital on a piece of land that was suitable for the building that was built upon it. The proper way to arrive I said at the rateable value of that was, what is the land worth for such a building; not a building built in the expensive way it is built, but a plain building that would be suitable for it, and I did value it in two parts, putting so much on the land and so much on the building. That is a building in a suitable place on a suitable piece of land, worth all the money it would cost to build that building, but if you put a house there, as I have said, which is too good for the land, you do not get a fair valuation if you divide them. I can give you an instance now in the City that is within my own knowledge of the division of the land from buildings which I think will show you one of the difficulties in dealing with property in that way. A plot of land in the City was let 40 years since upon a building lease of 99 years at a ground-rent of 100*l.* a year, with a covenant to expend 2,000*l.* in the erection of a suitable building. These premises would stand in the first instance thus: land per annum 100*l.*; building, 2,000*l.*; 6 per cent. on 2,000*l.*, 120*l.*; making the rental value of 220*l.* per annum. Now, at that time, that was a suitable house built in its proper place, and that would have been a reasonable way of arriving at what its rental value was. Forty years after that house was built, that same house, there might have been some little alterations inside, but without any great structural alterations, was let at 600*l.* a year. Then the lessee got that rent subject to his paying only the 100*l.* a year. He

Earl of *Onslow*—continued.

then got 500*l.* a year profit out of that. He got that profit for the remaining 50 years, because the lease has 50 years to run, so that he had that profit rent for 50 years; and that would sell fairly in the market now at this time for 7,800*l.*, and all he expended was 2,000*l.* The freeholder can get nothing for the next 50 years more than he has had for the last 40 years. He gets his 100*l.* a year. The tenant covenants to pay all rents, taxes, and charges. Is it reasonable now to try and shift the rates and taxes from the lessee, he getting a profit of 500*l.* a year, and place them on the landlord who cannot get more than his 100*l.* for the remaining 50 years. This shows that the whole of the increase in the value from 220*l.* to 600*l.* is due to the increase in the value of the land, and if the site value is to form the basis of valuation upon which the freeholder is to pay rates he would pay as follows: site value, 480*l.*, building, 2,000*l.*, at 6 per cent., 120*l.*; that is the way the 600*l.* is made up; 5*s.* in the £. The landlord would have to pay 120*l.* a year, and only get his 100*l.*, and the occupier and lessee pay 30*l.*, while making his profit rent of 500*l.* a year for the next 50 years. So that I say you cannot divide land from buildings fairly to do justice.

Lord *Belper.*

2124. The difficulty of dividing in that case is because the property is let for a long lease. Supposing the occupation and the freehold were both in the same hand there would be no difficulty then in dividing?—Certainly not.

2125. Therefore, there is no initial difficulty in itself in separating the two?—No.

2126. Only in apportioning them between the occupier and the freeholder?—If you remember I said that to begin with there was no difficulty in dividing.

Chairman.

2127. Do I understand you rightly that there is this difficulty that you always ought to face, that the mere value of these two taking what it would cost to build and the value of the land, as land, treated as vacant land, will not both together necessarily represent the true value of the combined article?—Certainly.

2128. Because one might be inappropriate to the other, and each may destroy the value of the other?—Yes.

Lord *Belper.*

2129. I do not understand that this was the case in this instance?—No, my Lord.

Marquess of *Salisbury.*

2130. You do not say the calculation can never be made, but in a great number of circumstances it is infinitely difficult?—That is it.

Chairman.

2131. I think you gave evidence, did you not, in the case with regard to the bridge at the West End?—Yes, the Cromwell-road Bridge. The area was very much larger in proportion to the one that was last suggested. That included railway land and some depots, and some various other things.

 2132. From

Chairman—continued.

2132. From what we have seen we may say that the area,—I am making all allowance for the protest that has been made,—but the area of taxation, or the betterment area has become smaller and smaller as experience has guided the County Council on their way?—Yes, the first plan that was shown to me by the County Council was a very broad one indeed. It extended to the middle of Chancery-lane, and one reason I had for not being able to agree to it then was, why should one side of Chancery-lane be bettered and not the other.

Marquess of *Salisbury.*

2133. Were the Law Courts originally within the area?—Yes. The first plan shown to me went down on to the Thames Embankment, and included the Temple.

2134. What was it subsequently that procured the release of the Law Courts and the Temple from the liability?—I do not know.

Duke of *Norfolk.*

2135. You are speaking of two different Bills?—Yes; that was the first Strand Bill. I think it is very difficult indeed, and I should not like to take the responsibility of saying that a property up to a certain line is to be improved by any improvement, and that over that line it is not improved. I do not think you can draw a line.

Marquess of *Salisbury.*

2136. That was speculative?—In my mind, yes.

2137. Were you consulted about the Cromwell-road improvement at all?—Yes; the Cromwell-road Bridge.

2138. In that case a somewhat arbitrary line was drawn, I think?—Yes, an arbitrary line; a certain measurement half a mile from a certain centre.

2139. A circle?—Yes, a circle on one side of the railway only, and not on the other side; not on the Kensington side, but on the Fulham side of the District Railway.

2140. There was no proof that all the properties included within the line would have had any special use of the bridge?—Certainly not; I think not, any more possibly than the general public who wanted to go that way. To persons who wanted to go from the West End or the City to Fulham it would have been just as much an advantage as anyone else.

Earl of *Denbigh.*

2141. In that plan of the area that was supposed to be going to be improved the boundary line overlaps the roads on the north and south, which pass over the two bridges then existing?—Yes.

2142. Can you imagine any reason why the property already passing over those bridges should be improved by the building of the bridge half way between the two?—No; I should think there could not be any ground for that at all, not the slightest ground for it.

Lord *Zouche.*

2143. I think the Cromwell-road scheme was rather different to some of the others, was it not, because a third of the cost was to be placed partly on these owners?—Yes, that was to be so. The first scheme of the Cromwell-road Bridge was that within the area people were to find so much money. It was not a case of simply putting on them what the benefit was, but they were to find so much money, and there was an appeal, and it worked out in this way, that if somebody appealed against this charge and got it reduced or altered, then it would necessitate the whole thing being gone over again. It could not work.

Chairman.

2144. Has your attention been called to the Scotch Acts?—No, my Lord, I have not had anything to do with them.

2145. Can you give the Committee at all any examples other than those you have given as to the other great Metropolitan improvements, and the effect of them? I think we have had the Charing Cross-road given as one example of improvement?—The Charing Cross-road was made through a very low-class neighbourhood, leaving a very low-class neighbourhood at the back of it, and some properties at the back have been to my knowledge considerably decreased in value. For instance, it destroyed the trade of those small shopkeepers, that is a class of people who live and carry on their trades in those small shops. Their trade was destroyed by the customers being driven away, and another class of customers coming to live in the locality. I know one particular case of a baker who had been there for a good number of years, a tenant of a client of mine, who was absolutely ruined by it; and there is a great outcry in all the back neighbourhood there that the customers have been driven away.

Marquess of *Salisbury.*

2146. It has altered the traffic of St. Martin's-lane?—The traffic of St. Martin's-lane is greatly reduced.

Lord *Belper.*

2147. In that case I suppose the interest of the occupier or the leaseholder might be injured, but the interest of the freeholder would probably be increased whenever he was able to deal with the property in a different way?—The difficulty of changing the class of property is this, that when you want to get a better class of property into the neighbourhood, and somebody better to occupy it, you have to pull down the building. Then, if you have a house that is producing 100*l.* a year in a low-class neighbourhood, as some of those shops do, and you have got something better coming, it has to be carried on the land, and you have to forego 100*l.* a year, and throw that on to the ground, and you want your ground rent to be 100*l.* a year. A man cannot afford it. If the property will not fetch 100*l.* a year he must keep his house standing. He cannot sacrifice his materials.

Lord *Belper*—continued.

2148. It would depend upon how far the value of the land has been increased by the improvement?—But that is making a great jump from the value of the land as it was before to the value of the land and building together.

2149. I only want to distinguish that it might be in one case that the occupier's interest might diminished, and that the owner's interest might be increased, or might be left the same, or might be diminished as the case might be?—Yes, that might happen.

Chairman.

2150. I suppose it will be possible to get something like the facts. Take that one example you have given of the Charing Cross-road. It would not be very difficult, I suppose, to get the actual facts about that; the values of the various properties?—I should think not. I should think you will find if you could refer to the rating after this next quinquennial rating, a great many of those places are reduced in rateable value. We shall get the quinquennial year next year, and that will test it.

Earl of *Denbigh.*

2151. From your dealings and relations with various owners and occupiers would you say that there would be a great dislike on their part to have a sort of permanent rate placed on them instead of paying down a sum before the actual improvement was ascertained. It has been stated that the mode proposed by the County Council would be very much preferred by the owners of property?—There is no doubt in many cases it would be impossible for the owners of the class of property to pay down the sum of money. The only way they could meet it at all would be to pay the charge. There are mortgages and other charges on the property, so that it would be quite impossible to find the capital sum. They would have to meet it by making the payments, but all the while this was waiting, and all the while it was being discussed and considered as to what the charge was to be, no man can deal with his land. He would be absolutely shut up. He could neither sell it nor let it. He would find no other purchaser to deal with it.

Lord *Hobhouse.*

2152. When these small tradesmen go away because their customers are extirpated, what becomes of the houses; do they remain empty?—In some cases they are let at a reduced rent, because you have a man who has to establish a new business.

2153. If the tradesman goes away of his own accord you get rid of any trade compensation?—Yes, but you see these poor men will keep on as long as they can. When they do go away they are generally absolutely ruined.

2154. It is a serious misfortune to turn away their customers, no doubt?—It is a very serious question indeed.

2155. I was thinking of the pecuniary effect on the property in the hands of the owners?—In that one instance my client let his house at a very greatly reduced rent, and then got so disgusted with it that he sold it for a very much smaller sum than he gave for it 15 or 20 years before. He got rid of it. I do not mean to say that all properties are like that. Some do benefit there is no doubt. There are some get a small benefit from it, but it is so questionable and so speculative that I think it is a pity to tamper with it.

Lord *Hobhouse*—continued.

Lord *Zouche.*

2156. In any case it would be a fluctuating benefit, I suppose?—Yes, it would sure to be.

Lord *Hobhouse.*

2157. In each case it would be an inquiry into the facts of the case?—Yes.

2158. And your opinion is that you cannot arrive at a conclusion?—A man with a house worth 1,000*l.* is going to have a charge of 7*l.* or 8*l.* put on him. He cannot afford the expenses of an arbitration. I know they are very great, and 200*l.* or 300*l.* is very soon gone on an arbitration. I know that from experience in dealing very largely as I do for railway companies, that we very frequently give 500*l.* more for a property than it is absolutely worth in the market, rather than go to arbitration and spend 600*l.* or 700*l.*

2159. I think you and I met at one very great arbitration, the Bill for which was very large, as to Epping Forest?—Yes.

Marquess of *Salisbury.*

2160. Then an arbitration is not a very great saving in comparison to a lawsuit, is it?—No; I do not know much about lawsuits; I have never had one myself.

Chairman.

2161. I am afraid we have not got all the information I should like to get from you concerning these great Metropolitan improvements, because those are really the only facts one has to test the principle by. Could you give us more information about Queen Victoria-street and the City, and Victoria-street. I am anxious to have the facts if we can that actually occurred, so as to get rid of speculation as far as we can?—We know that King William-street in the City was a great success. That was carried out by the Corporation, and they made a large profit out of it. That is well-known in the City.

2162. That is what you call by recoupment?—By recoupment. I cannot tell you of any other by recoupment, except I could give you a very good one in connection with a railway company. Now, that is the railway company that was formed between the River Thames, called the London, Chatham, and Dover Railway and the junction with the Metropolitan Railway down at the back of a place called West-street. I purchased the land for that railway company, and we had to purchase the whole of the frontage to Bridge-street, Blackfriars, from the present Queen Victoria-street across the river and across Queen Victoria-street and at the back of Ludgate Hill Station down to the Metropolitan Railway. The land for the railway company, after we had sold the recoupment, was secured

Chairman—continued.

for nothing. The land that the railway stands on did not cost them one shilling.

Marquess of *Salisbury.*

2163. Was that because they did not pay?—No, they did pay for every bit of it. It was a question of recoupment.

2164. I had something to do with that, and I thought that was the history of it?—I think that was the first time I had the pleasure of coming before your Lordship, but that is a fact that it did, by the recoupment, repay itself right down from one railway to the other. I really do wish to press it on the County Council, and I say again do not wait for the grand opening of a street. Before you send all your customers away to settle themselves somewhere else give them an opportunity of buying the land nearest to where you are turning them out, and you will get a better price for it than waiting till the end. You save all the interest.

Chairman.

2165. Now about some of the side streets we have heard of; what is your experience; we have heard something about the improvement of side streets coming out upon a great thoroughfare; take Queen Victoria-street first; what is your view about that; do you think any of those streets are improved?—I do not think I could give you any absolute example further than I have done in connection with the new street.

2166. We have had one or two examples given to us to-day, specific houses pointed out by Mr. Dickinson where, undoubtedly, there had been an increase?—There was the one I listened to in Rosebery-avenue. I expected to have heard that the price of the land was absolutely so much at the end of the time when the street was made, but it was a speculation that it was 4*d.* and it would be worth 1*s.* now. I was astonished to hear that land in that locality had got up to so

Chairman—continued.

big a price, but, of course, I do not know which land it was. That was not the fact. It was only speculative. Somebody said it is worth 1*s.* now.

Marquess of *Salisbury.*

2167. That was not actually tested by a transaction?—I understood from Mr. Dickinson it was valued by their valuer to be worth 1*s.*

2168. I thought it was tested by a transaction?—No, I did not understand it to be so.

Chairman.

2169. I did not understand it was, either. We had a map before us. Did you see it?—No, I did not.

Marquess of *Salisbury.*

2170. There is one improvement that you have not mentioned, and, as you are coming again, I will remind you of it. Does your memory carry you back so far as the Cranbourne-street improvement?—Yes.

2171. That was a considerable improvement, and one would like to know what the effect was there, if you have any knowledge?—I will try and find my papers with reference to that.

2172. That was about the same date as New Oxford-street, I think?—I do not know, but I will try and find out.

Chairman.

2173. Perhaps if it would not give you too much trouble, I daresay Mr. Dickinson would show you the map before you come again, and then you might give us your own view as to whether the land is worth that or not?—I will.

Marquess of *Salisbury.*

2174. This is the whole point of the case, if it is not giving you unnecessary trouble?—No, my Lord, I will take any trouble, and anything you suggest to me I will try and do.

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 12° *Junii*, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Duke of NORFOLK.
Marquess of SALISBURY.
Earl of DENBIGH.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (*Earl of Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord LINGEN.
Lord THRING.
Lord FARRER.

LORD HALSBURY, IN THE CHAIR.

MR. WILLOUGHBY HYETT DICKINSON is re-called; and further Examined, as follows:

Chairman.

2175. I BELIEVE you have some papers to hand in; will you hand them in and kindly tell us what the papers are?—I will hand first a paper showing the totals of the gross and rateable values of the valuation lists of the several parishes, unions, and places in the administrative County of London for the years ending April 1891, April 1892, April 1893, and April 1894 (*handing in the same*). I also hand in a paper showing the rates raised in London for all purposes in the years 1882, 1884, and 1886; and another paper showing the same thing from 1886 to 1891; and also one showing the same thing from 1892 to 1893, and another one showing the same thing for 1894 (*handing in the same*). The last paper which I have just handed in is, I may say, a proof; I think it is correct, but it is not absolutely settled: it is only for the present year. In addition to the papers I have already handed in, I would draw your Lordships' attention to a paper that is included in the County Council's annual statistical volume, which gives "statistics showing the rateable value of parishes and unions in the county of London at quinquennial periods or thereabouts, from 1830 to 1891; the total amounts collected from rates in the same parishes and unions in certain years from 1856-57 to 1888-89; the total amounts contributed to London by Government, and derived from dues, in relief of local rates; the population of the parishes and unions at decennial

Chairman—continued.

periods from 1831 to 1891, and examples of the increases in annual value after the completion of street improvements." That paper was prepared for the first Strand Bill. That paper I will hand in (*handing in the same*), and the last item which I mentioned I could also hand in to the Committee, showing the increased annual value due to the improvements which we put to the Committee then. I was also asked to give you a list of the improvements in London, showing the dates of the Acts sanctioning the improvements, and the dates at which the improvements were completed. I hand in this list of improvements sanctioned between 1857 to 1888, carried out by the Metropolitan Board of Works or the London County Council; and also a list of the improvements carried out under the Department of Her Majesty's Works and Public Buildings (*handing in the same*). That does not quite exhaust the improvements, because there are private improvements like Victoria-street, as to which we do not know exactly when it was opened. It was carried out under an Act of 1841, but we cannot tell exactly what time it was completed.

2176. The Act is 53 years ago?—Yes, I think that is the year.

The Witness is directed to withdraw.

MR. ROBERT VIGERS is re-called; and further Examined, as follows:

Chairman.

2177. THERE are one or two cases with regard to which you were good enough to say you would furnish us with some further information?—As regards Victoria-street Mr. Dickinson has already given you the date; it was commenced in 1841. As regards King William-street I promised to get the particulars for your Lordships. I find it was carried out in 1831 by the

Chairman—continued.

Chairman—continued.

the City authorities, at an outlay of something over a million.

2178. That I suppose was in connection with new London Bridge?—Yes. Then your Lordship suggested that I should see the plan which Mr. Dickinson had produced in regard to Queen Victoria-street. I went to the London County Council, and they showed me the plan, and I have since been to see the properties that are referred to in the streets leading out of Queen Victoria-street. There was No. 9, St. Andrew's-hill, and No. 11, St. Andrew's-hill, the one has been raised from 40*l.* gross to 70*l.* gross, and the other from 35*l.* to 50*l.* Those houses, as far as I am able to judge, have had no improvements made to them and no works carried out upon them. It may be that there are some improvements in the rent from the formation of the street, but it is almost impossible to judge, so far as my experience goes. Then there was another one, No. 3 Lambeth-hill, which stood at gross 180*l.* in 1870, and in 1875 was raised to 250*l.* Those are the figures which Mr. Dickinson gave. That apparently I should think has partly arisen from works that have been carried out. To judge from looking at the place it looks as though it had had a new front and some works carried out there; but it is impossible for me to say whether it is increased in value by that new street or not. Then there was No. 165, Watling-street, that stood in 1870 at 150*l.*, and in 1885 it was raised to 250*l.* No. 166 is the next-door house, and that from 1855 to 1885 stood at 230*l.* in the rate books; from 1885 to 1894 it stood at 225*l.*, so that you see that house has gone down 5*l.*

Marquess of *Salisbury.*

2179. That is the next house to the one you gave a moment ago?—Yes, the next house to the one that was given before. Judging from those cases, from my experience I would say it is almost impossible to tell whether the value of those houses has been affected by the formation of Queen Victoria-street, or whether they have been affected by the widening of King-street, which was carried out by the City. Both those improvements are close to it, and it is impossible to say whether it is due to the one or to the other. Then, coming to Nos. 16, 17, and 17½ in the same street, Watling-street, that is one property in the occupation of one trade. In 1855 it stood in the books at 1,200*l.* a year; in 1894 it stands at 825*l.* That appears, to my mind, to be affected in the same way as the houses which I mentioned to your Lordships in Earl-street (which was a continuation of Queen Victoria-street into Cannon-street), which was the property I have under my own management. Then I have been to Nos. 37 and 38 in Friday-street; that is a street running from Cheapside into Gresham-street. There the property in 1855 stood at 500*l.* a year, and it stands at 500*l.* a year now. That is only 14 doors from Queen Victoria-street, and that does not appear to have been affected. Nos. 16 and 17, Friday-street, which are at the Cannon-street end of Friday-street, were rated at 400*l.* in 1855, and are rated at 400*l.* in the year 1894.

Marquess of *Salisbury*—continued.

2180. Can you tell me how far in feet from Queen Victoria-street those houses are which have not been raised; that is to say, are they further or less far than the houses in St. Andrew's-hill which were raised?—One is about the same distance; the first one is 14 doors from Queen Victoria-street, and Nos. 16 and 17, Friday-street are at the corner, at the Cannon-street end.

2181. Then they would be about the same distance as the St. Andrew's-hill houses?—They would be about the same. There is very little difference between them, I think. Then I have on the other side of Cheapside, 120, Wood-street. That was rated in 1855 at 540*l.*, and is now rated at 550*l.* No street improvement has been carried out there. No. 121, Wood-street, was rated at 450*l.* in 1855, and is now 550*l.* No street improvement has been carried out there. No. 124, Wood-street was in 1855 rated at 500*l.*, and it is now rated at 550*l.* I think if you were to go through the rate books all over the City you would find that certain properties have been increased and increased very considerably where there has been no street improvement. Property gets lost sight of for a time and the rates are not raised unless something happens in the shape of some alteration or some improvement, and the attention of the authorities is called to it and they put up the rates.

2182. I suppose the rating authorities very often do not raise the rate until the rent has been changed on a change of tenancy or something of that kind?—Very often that is the case, and not even then. I think there might be a great improvement in many of the rateable values in the City.

2183. You think they are not very accurate?—They are not very active, and not very accurate, that is my experience. So that I think that just those one or two cases which I may have found or which Mr. Dickinson may have found are very little guide to us, because I think you will find all over the City that certain properties have been increased where there has been no street improvement.

Chairman.

2184. You remember that there was a property at the corner of Rosebery-avenue with regard to which Mr. Dickinson gave us the result of the information which the County Council had received from their valuer; have you looked at that property?—No; I have not had time to go to that property.

2185. Did you see the map showing the alteration made there?—I saw the map. That property is apparently a printing establishment, which stood before in the background, and when the new street, Rosebery-avenue, was made there was a small piece of land in front which was sold by auction; the owners of the printing establishment bought this piece, and I was told at the London County Council Office that they gave 10*d.* a foot for it.

Marquess of *Salisbury.*

2186. But that was special accommodation land for them?—No doubt; but 10*d.* is not a large

Marquess of *Salisbury*—continued.

large price for special accommodation land. That is hardly a fair criterion to form a groundwork of what may be the increased value of the adjoining properties.

Chairman.

2187. It was a little acute angle if I remember right, which when fitted on to their own premises made a complete frontage to the new avenue?—Yes. Then I have brought further particulars about the property that was referred to on the narrow part of Queen Victoria-street, which was originally formed by the City authorities and called Earl-street. There was No. 67, Queen Victoria-street (as it is now called); that was let in 1860 for 21 years, at 700*l.* a year. After Queen Victoria-street was opened there was a break in the lease, and that one house was raised to 950*l.* That lease is out next year, and I have received a notice from the tenants, Messrs. Murdock & Co., that they shall leave the premises unless I put it back to 700*l.* a year. Messrs. Bevington and Morris are the lessees of No. 28, Cannon-street. Their rent in 1876 was 1,300*l.* a year; in 1892 I had to renew the lease, and I was forced to renew it at 900*l.* a year. Messrs. Woodhouse, Rawson & Co. are tenants of No. 30, Cannon-street, as assignees from Messrs. Corbia & Co., who held the lease at 746*l.* a year. That I have renewed three years since at 750*l.*; that is practically the same rent. Then No. 34, Cannon-street, that is Messrs. Spalding and Hodge, has been renewed at what its original rent was before Queen Victoria-street was made, namely, 650*l.* Then No. 32, that is Mr. Montagu, has been renewed at 650*l.*, which is the same as it was originally. Those are my dealings with that estate which I referred your Lordships to when I was here before.

Marquess of *Salisbury.*

2188. When Queen Victoria-street was made, would you have said, if you had been asked, that there was nothing to indicate that it was less likely than any other improvement to carry a rise of rent in the neighbourhood?—Certainly. I thought it was; and it was the general opinion in the first instance that it was a great improvement. The result is that we have come down again to the old rents practically.

Chairman.

2189. Does that exhaust what you have to add in regard to these houses?—Yes.

2190. There is one point that has been suggested to me by something which I read in the papers; some question has been raised as to the propriety or justice of putting on these betterment rates now, when the whole metropolis, including the persons who would be bettered by the proposed improvement, have themselves paid improvement rates or general rates including rates for improvements in other parts of the metropolis, where, of course, they have received no benefit; have you formed any judgment upon

Chairman—continued.

that point?—I think they have been paying rates for many years for improvements from which they get little benefit, and from which practically, in some cases, they have absolutely received damage. I can give your Lordships an instance of that in the case of the formation of Southwark-street from London Bridge to Blackfriars Bridge. The traffic that now goes along that street used to go through a street called Union-street, which led from the Borough away into Blackfriars-road. That property went down enormously in value as soon as Southwark-street was opened. All the owners of that property had to suffer that loss, and yet pay their proportion of the rates for the improvement of making Southwark-street.

Marquess of *Salisbury.*

2191. How far from Southwark-street would Union-street be?—About 300 yards, I should think, to the south.

2192. Then it would be within a distance analogous to that which was included in the betterment area of the Strand improvement?—Yes.

Lord *Tweedmouth.*

2193. Is not the object of betterment to relieve that very difficulty to which you are now referring; so that instead of people who get no benefit from the improvement being charged, the people should be charged who actually do get the benefit?—But those people who do not get any benefit have had to pay their proportion of the general rates towards the improvement.

2194. Yes, but the effect of the betterment charge would be to very much reduce the proportion they would have to bear?—It might be.

2195. Would it not be so?—It might be.

2196. It would be so, would it not?—I think it might be.

Marquess of *Salisbury.*

2197. For the future that might be so, but in the meantime they have paid their share for all the improvements in the past?—Certainly.

Earl of *Onslow.*

2198. And even as regards the future, taking the case you mentioned just now of Union-street and Southwark-street, supposing Union-street were made for the first time and a betterment charge were placed upon the owners of property there in regard to that improvement being made, and supposing Southwark-street were then to be made, thereby diverting the traffic from Union-street, would not the second improvement worsen that which had been created by the first improvement?—Certainly. There is another street made now on the other side of Union-street which starts from the Old Kent-road and comes again into the Southwark Bridge-road.

Chairman.

2199. Still, I think you hardly appreciate the point the noble Lord beside me (Lord Tweedmouth) has made. In the existing state of the

Chairman—continued.

law what has actually happened is that people can be called upon to pay for that which not only has done them no good, but, as you say, may have done them actual harm. What is put to you is this: If there had been a betterment system in existence at that time, assuming the betterment area to be properly fixed at Southwark-street, instead of the owners of property in Union-street being called upon to pay for destroying Union-street to the advantage of the owners of property in Southwark-street, the injustice to the Union-street owners would have been reduced, and the people who actually profited would have had to pay. That is the point that is made against you?—Yes, that is how I understood it.

Lord *Tweedmouth.*

2200. You have given a number of cases where increased value has not arisen from improvements?—Yes.

2201. May I take it that your opinion is that the general effect of these improvements has not been to increase values; are the cases you have given exceptions, or do you take them to be the rule?—I only gave those cases to show that to my mind it is practically impossible to tell what it is that causes benefit or damage in the formation of these streets.

2202. Would your objection to the principle of betterment be removed if it were only charged in cases where manifest benefit had accrued?—Yes, if it was possible to show manifest benefit, and it was only charged where you were able to show that it was an absolute improvement.

Lord *Farrer.*

2203. I should like to put to you the case of the Blackwall Tunnel and the road through what is now called the Bugsby Marshes, which will turn into building land that which is at present merely used for pasture. What would you say in that case?—I should think it would improve the property, but as to who is to fix the benefit charge and what the benefit charge is to be I cannot say. I would not undertake to do it. There is no knowing how long it may be before there is any benefit to the adjoining owners. A public benefit, no doubt, there is, and I say the public ought to pay for that generally.

2204. You mean the public high road?—The public high road.

2205. Do you think that would not add to the value of the adjoining land in any degree which any surveyor could calculate?—I think it would add to the value of the adjoining land, and possibly a surveyor would be bold enough or might venture to say what that addition was.

2206. Should you have any difficulty, if the owner of that land wished to sell it, in putting a value upon it, calculated upon what it would be worth when the road was made?—I should feel a difficulty in advising——

2207. You would not advise him to sell at the same price as before the road was made, would you?—I should advise him to put it up to auction and let the man who was going to buy it run the risk.

Lord *Farrer*—continued.

2208. When it was put up to auction would you not be able to judge from that experience how far the neighbouring land had been benefited?—Yes, I think you might.

Lord *Egerton.*

2209. I suppose the value of building land in London has decreased very much since 1876, in many cases?—In some cases it has decreased; in other cases it has increased. It is very difficult to follow the variations in the price of land, and unless you are constantly at it it is impossible to keep pace with it.

2210. In making a very long new street, I suppose if there is only a limited demand for a certain number of a class of houses paying a high rental, it would very often be some time before the sites could be let at higher prices than they let at before?—It is the general experience, I think, that most of the street improvements have taken a long time to fill up.

Lord *Thring.*

2211. All valuation of land, I presume, is a very difficult business, is it not?—Well, is requires great practice; a man cannot do it unless he is constantly at it.

2212. In very many cases it is a matter of guesswork to a great extent, is it not?—I should imagine a great deal of it is guesswork when we find of late years barristers have taken to valuing land for clearing sites for workmen's dwellings, I should think there must be a great deal of guesswork about that.

2213. I am not asking about such cases as that; but with a man as expert as yourself, do you not often have to guess at the value?—I do not think so. I judge from general experience.

2214. Then you, as an expert, have no great difficulty in valuing any property?—Yes, we have great difficulty in valuing at times.

2215. But you do it?—Yes, we do it. In making a valuation simply for a man to purchase or sell property, I should guard myself, and say, That is the value to the best of my opinion, but it may be worth more, or it may be worth less.

2216. Still, like all human affairs, I presume your client acts upon your judgment, and sells his house at a greater or less price, according as you tell him it is more or less valuable?—At times, yes; but mostly you find that a man asks you your opinion, and then acts upon his own judgment.

Marquess of *Salisbury.*

2217. His judgment, whatever it is, is controlled by the judgment of the other party to the transaction, if there is anything unreasonable in it?—Yes.

2218. Which is not the case in an arbitration?—Certainly not.

Lord *Farrer.*

2219. You have spoken as if the future were an extremely difficult element to take into consideration in fixing the value of land?—Yes.

2220. You

Lord *Farrer*—continued.

2220. You are guided generally by the price that is actually given?—Yes, by the times' price.

2221. In fact there is no such thing as a scientific basis of valuation, except experience?—Not that I know of.

2222. What the property is ordinarily sold for?—Yes, what it might be fairly worth.

2223. I want to ask you this; in putting a value upon land for a person who is going to sell to the London County Council, are you guided solely by what the land or houses in that street or place have been sold for, or are you guided by what they are likely to be sold for. Is it the future value or the past value that you have regard to?—The present value.

2224. What is the present value founded upon?—It depends upon what the object is. If you are valuing a property that has only a ground rent, we will say, and a reversionary value, you value the ground rent upon the three or four or five per cent. tables, as it may be, for the term of the lease to run. Then you have got something beyond that in the reversion. The only way to arrive at the value of the reversion is to take the present rental value of the property and defer that for the number of years that the lease has to run. It is impossible for you to tell what the value of the property is going to be at the end of the lease that has got to run. The man who carries out that practice, as we are taught, always bases the value of a reversion upon the value of to-day.

2225. Are there not properties which are increasing in value, and are there not properties which are diminishing in value?—Yes.

2226. Do you value both upon the mere present rental?—It is impossible to say whether property 20 years hence is going to be of less or greater value, and a man is satisfied to buy it upon the present day's value.

2227. Is that the way in which in ordinary purchases or sales of things producing a value their value is calculated?—According to my experience, yes.

2228. Always upon the present rental?—Upon the present value; not the present rental always, but the present value.

2229. Upon what is that present value founded; in selling or purchasing any investment you like to take, is not the value founded upon what you expect the thing to produce?—Upon what it is producing to-day.

2230. Is that all?—That is all. One cannot tell what it will produce 20 or 30 or 40 years hence.

2231. Do you assume in all these cases that the same property will produce exactly the same thing 20 or 40 years hence that it will produce to-day?—I know of no other way of valuing property.

2232. Is that the way you value all property, for instance, investments?—Yes.

Lord *Thring*.

2233. If I ask you to value a house in the country, and I show you that a beautiful view is going to be opened up by a particular improvement that is going to be made, do you mean to tell me you would not take that improvement into consideration in valuing the house?—If you were to tell me it was going to be made I should consider that.

Lord *Thring*—continued.

2234. Is not that a future thing?—I do not know about that; I think it is present.

2235. That is practically what Lord Farrer was putting to you?—If you were to tell me that possibly 20 or 30 years hence a beautiful view may be opened I could not tell.

2236. Neither Lord Farrer nor myself asked you about twenty years hence. What we ask is this: when you are valuing a house in town or in the country, or when you are valuing land anywhere, and sufficient evidence to reasonably satisfy a man of common sense is given that some event or contingency has occurred which will make that land more valuable, would you value it at the then existing rent or would you value it having regard to that contingency or event?—I value it at what it is worth that day. That is exactly what I tell you.

2237. I ask you whether, supposing there is sufficient evidence to satisfy a reasonable man that there will be an improvement made in the surroundings of that house or in the use of the land, or anything else you like, by some immediate probable event, you do not take that immediate probable event into your consideration in valuing the then present value?—I say yes; I take it and base it upon its rental value to-day, and if you tell me the improvement is made to-day and absolutely existing, I can see what that improvement is worth. It may be worth something or it may be worth nothing; if it is worth something I should add it in.

2238. You have to add it to the present rental value?—That is what I am saying. It is the present rental to-day you base your reversionary value upon.

2239. Then it is only a quibble about words if you like to call that the "present rental value." I thought what you meant by "present rental value" was the present rent?—No. I am sorry your Lordship should think I am quibbling about words; I am not in the habit of doing so.

2240. What is the difference between "present rental value" and the present rent?—The difference is very great.

2241. Will you explain what it is?—The "present rent" is what the property is at present let at, the "present rental value" is the value it may be worth.

Earl *Cowper*.

2242. Have you had to value a great many properties which were improving and in which you had to look forward to the future as an element in the valuation?—I have had to value properties of all classes.

2243. Very often, and indeed generally, there are two valuers, one for the purchaser and one for the seller, and an arbitrator is called in; that is very often the case, is it not?—Yes.

2244. In the case of improving properties in which the price has to be settled with a view to what would be the value in a certain number of years, is there much difference between the values

Earl *Cowper*—continued.

as fixed by the valuer for the purchaser and the valuer for the seller, and is the whole thing more uncertain than when you are merely valuing property that is stationary?—I find that difference in valuation depends upon the men you meet more than anything else. Some men have very inflated ideas of what property is going to be worth, and that is where you come into difficulty in making settlements.

2245. It depends upon the specific valuer whether he takes a hopeful view of the future or the contrary?—Yes, certainly; there is a very great difference sometimes.

2246. In valuing for the future there is much more discrepancy between the judgments of different men than when you are valuing property where no changes are anticipated?—Yes, I should think so.

2247. It is a very uncertain thing valuing for the future?—Yes, very uncertain; especially with some men whom one has to meet.

Lord *Belper*.

2248. I wish to ask you one question with regard to the figures you gave us. I understood those figures were based upon the present rateable values compared with the rateable values a certain number of years ago?—Yes.

2249. I think you added that in your opinion the authorities who made those assessments were neither very active nor very accurate?—In many parishes I should say that is so.

2250. Therefore the value of those figures is so far discounted by their want of accuracy?—Yes; I mentioned it simply because I think that either those figures I have given you or those given by Mr. Dickinson should be relied upon very little as a guide as to what improvement had taken place.

2251. You do not give them us for the purpose of relying upon them in judging whether the values of the properties had actually increased or not, but as showing that there might be considerable difference in regard to whether they had increased or not?—Yes.

2252. I wish to ask upon what general principles you would go when you are valuing property for rating purposes; would the principle you spoke of as applicable to purchase and sale apply to rating purposes also, as a general rule?—For rating purposes we have to fix the price that it is reasonable to suppose a tenant would pay for the occupation of the premises from year to year.

Chairman.

2253. I am afraid you have no option about that, because that is what the statute directs you to do, is it not?—Yes, we have to find what that rent is.

Lord *Belper*.

2254. I understand you to think it will be very difficult to carry out the system of betterment with any fairness; have you any suggestion to make with regard to a fairer way of raising money for the purpose of paying for these improvements than is at present in force?—No; my own opinion is that we had better let the thing stand as it is, and let the general improvements of London be paid for generally all over London. Every improvement that is made may be a benefit to every man that uses London, or uses the streets, and may be quite as much a benefit to him as it is to a man who is actually in occupation of premises fronting on to it to the new road, or whatever the improvement may be. I would leave it that the money should be raised by a general rate all over London, as it has been for many years.

Lord *Belper*—continued.

2255. Accepting that principle, you admit yourself that it is not a fair one, as I understood the evidence you gave just now?—No, I think that is the fairest way you can get it.

2256. I thought you said it was very unfair that people who did not have any interest in an improvement should be called upon to pay for it?—No; I say they use the new street, or whatever it may be, and although their property has been damaged by it they have to pay the general rate all over London; but they have the use of the new street as well as anybody else in London.

2257. Do you think it is fair that they should all pay in the same degree, however much they may be benefited by the improvement or however little?—I do not know how you are to draw the line. I think it is impossible to draw a line and say that the man on one side of the line is bettered, and that the man on the other side is not bettered.

Marquess of *Salisbury*.

2258. A person who habitually uses the street, living himself some distance from it, is more benefited by it, is he not, than a person with a house just behind the street who does not use it at all?—He may be, very possibly. The one may drive along it every day and the other may only walk along it very occasionally.

Lord *Farrer*.

2259. He may or may not?—He may or may not.

2260. Supposing betterment could be put in the form of an annual additional or special rate upon property, which would, of course, vary in amount with the annual value of the property, would you still object to that form of betterment?—I do not see why when a man has been paying for years for improvements all over London he should, because he is going to get a little immediate benefit, be taxed twice over. That is my only reason for objecting to it in that form. Certainly it would be better than making it a fixed charge for ever.

Chairman.

2260*. I can understand the injustice to those who have already paid for other improvements out of which they have not got any benefit; but supposing you were to start an improvement for the first time, would you see any injustice in a person paying an annual rate which was capable of being taken off if the benefit did not exist?—If you could arrive at the figure, no.

2261. You

Marquess of *Salisbury.*

2261. You can conceive cases where there would be benefit so clearly conferred that it would be just to ask the person to bear a share of the cost?—Yes; I have seen cases where properties have been improved.

Lord *Thring.*

2262. I understand you to lay down this principle, that all London ought to contribute for any improvement in any part of London?—Yes.

2263. Therefore you think it entirely wrong that the parish should make, as it has hitherto done, contributions to a central fund. For example, supposing you were going to widen High-street, Kensington, which requires widening, and as everybody knows, would be extremely expensive, you would think it not right or fair that Kensington should contribute the larger proportion, but you would say that it should be spread over the whole area of London?—I think it would be more fair. It is a great benefit to the whole of London; almost everybody using London uses High-street, Kensington.

2264. You think it would be a benefit to the most distant part of East End, say Poplar. Do you consider Poplar, for instance, uses High-street, Kensington, as much as the Hounslow and Kensington people?—No; but Kensington and Hounslow are benefiting Poplar by their tunnel, by paying their share of the cost. Why should not one pay a share as well as the other.

2265. Your opinion, in fact, is that Poplar or any other of the most distant parts of London should pay for High-street, Kensington, just the same as Kensington itself?—As Kensington pays to Poplar.

2266. Whenever any improvement is made in London you think that the whole of the enormous area of London should be subject to a general rate for that purpose, and that no particular locality should contribute more than any other locality; would that be your view?—Yes, I should agree to that.

Lord *Farrer.*

2267. You would agree with one of the London County Council's witnesses who stated that he objected to the present plan under which the parish, when it has an improvement, often contributes half, or some such proportion of the cost itself, asking the London County Council to bear the remainder; you would agree with that?—Yes, certainly.

2268. You would throw no local improvement upon the funds of the locality in any way?—No, I would make it a general rate.

Lord *Tweedmouth.*

2269. Do you think it quite fair that a private owner of property, if he should be lucky enough to get his property greatly increased, should put that increase into his pocket?—He puts part of it into his pocket, but the other part he pays the increased rate upon.

Lord *Tweedmouth*—continued.

2270. He may sell this improved bit of property and put a very large sum at his bankers, which does not come to him by any act of his own, but as the result of an improvement for which the whole of London is charged, that is your plan, is it?—Yes; that may happen, and has happened; and putting the other side of the question, a man has to suffer damage. He may be damaged or he may be improved.

2271. You think that is quite fair?—I think if you deal with the one you should deal with the other.

Lord *Thring.*

2272. You think it is satisfactory to me if Lord Halsbury gains and I suffer; you think the one balances the other?—No; but one cannot draw a line to make it absolutely fair under any circumstances.

2273. I understood you to say that the fact that one man gains and another man loses made it fair?—I did not mean your Lordship to understand me to say it made it fair.

Marquess of *Salisbury.*

2274. Your contention is that the process is reciprocal, and if at one time A. is benefited for B., at another time B. is benefited for A.?—Yes.

Lord *Thring.*

2275. If I complained that the trains were late to-day I might be told they were too early yesterday; is that the principle you would go upon?—I can hardly admit the analogy.

Lord *Cowper.*

2276. I suppose, as a rule, much more land is benefited by an improvement than it is injured?—No, I cannot agree with your Lordship there; I think it is just the other way.

Earl of *Onslow.*

2277. Then the word "improvement" is entirely a wrong term to use, is it not?—I think it is just the other way. If I were asked by the County Council whether if they got one they should give the other, as I have already said, I should say, Do not ever tackle the worsement side of it; it will more than swamp any benefit you will ever get.

Earl of *Dunraven.*

2278. This reciprocal gain and loss would take place equally in a small area like a parish, would it not?—Other people outside the parish can go and use it; all the improvements made in a parish are equally open to all persons occupying other parishes.

2279. I mean an improvement made in a parish does not necessarily benefit everybody in the parish any more than any benefit paid for by all London necessarily benefits all London?—Quite so.

2280. It is only a question of degree?—Quite so.

Chairman.

2281. There is one question I should like to ask, because I think there has been some misunderstanding about it; I suppose in valuing land which hitherto had been entirely agricultural and incapable of any other use, if it was an established fact that a railway was being made so as to communicate with that, although the use of the railway was in the future, you would not refuse to take that fact into consideration in arriving at the enhanced value of the land?—Certainly not in valuing the land for a certain distance round the railway station. Where a railway simply passes thaough land it does not improve its value, but where there is a station it does improve it, and it immediately improves it. Assuming, as I understand your Lordship's question to assume, that land has grown up round a station from agricultural land into building land, then all you have got to do is to get the best price you can for it at the time as building land.

2282. One of the elements, I suppose, of uncertainty and difficulty in dealing with the future is the capricious way in which buildings grow up and become popular, and in which fashion changes the exact area within which high rents are obtainable?—Yes; and another thing that affects the value of land, especially in the City of London and surrounding the City, is this: all these improvements absorb a certain amount of space; the roads are being widened, the City have given up many thousands of feet of land for streets; while that is going on the population is increasing, and the area that the population has to occupy is decreasing. Therefore there is a struggle for the land, and that keeps raising the price of land in the City

Chairman—continued.

The only way that people can occupy properties near the City is to keep increasing the charmed circle round the Bank of England. I can remember the time when the houses in Finsbury-circus were occupied as residences, and fetching possibly 130*l.* or 140*l.* or 150*l.* a year. Now the trade and commerce of the City of London has been so expanding that nearly every one of those houses is occupied by important merchants' offices, and they fetch 300*l.*, 400*l.*, 500*l.*, or 600*l.* a year, because the space round the Bank of England is much less than it was originally. That is the reason why values are constantly increasing round London.

Marquess of *Salisbury.*

2283. No betterment plan could intercept that increase of value?—No.

Lord *Farrer.*

2284. In that case the fact that the City have made open spaces round the Bank adds to the value of those houses in Finsbury-circus?—Yes, no doubt; that and the increase of population at the same time. You have a decrease of the area of land to be used and an increase of the population.

2284*. Is not the process that is going on n London generally that the centre of London is being more and more used for thoroughfares and open spaces, and consequently the people are driven first from residences and then from offices until more and more the circle is expanded?—Yes, it must be so, it does expand.

The Witness is directed to withdraw.

Mr. FREDERICK WILLIAM HUNT is called in; and Examined, as follows:

Chairman.

2285. You have considered this question of betterment, have you not?—I have to some extent, and I come here to give evidence of cases where improvements have been made to my knowledge, and the effect they have had more or less upon the adjacent properties.

2286. As all the members of the Committee may perhaps not know you as well as I do, would you just describe what your experience has been?—I have been in practice as a surveyor in London for about 25 years. For 22 years I have been surveyor to Lord Portman's London estate, and during that time I have seen improvements in Marylebone especially, and I have also had an opportunity of seeing them in the rest of the metropolis. I should say I do not come here as representing Lord Portman in the matter, but I have been asked to come because of what it was presumed I might know. I should say that the rateable value in the metropolis has been increasing regularly, especially since 1870 to 1880, or even 1885, so that when one finds that property in the neighbourhood of an improvement has increased, it is to be observed that it has increased scarcely more, if at all more, than property farther away from the

Chairman—continued.

improvement in the metropolis generally?—That was a point I rather wished to bring before the Committee.

Marquess of *Salisbury.*

2287. Do I understand you to say that the rateable value in the metropolis had increased from 1870 to 1885, and then had ceased to increase?—It has very much ceased, except where there have been special demands. In 1870 to 1885 there were material increases generally.

Lord *Thring.*

2288. Have there been material depreciations since 1885?—In many cases there have been material depreciations since 1885; in some places there has been an increase. I would say, dealing with the matter from the estate point of view, in deciding upon improvements they are generally made with the view to public improvements; and it has never occurred to me, and I have never heard it mentioned until quite recently, that the question of betterment would come materially into the matter. I would refer, in the first place, to a small improvement at the top

Lord *Thring*—continued.

top of East-street, Marylebone, which is shown in this plan (*putting a plan before the Committee*). East-street formerly ended at the top of David-street, but when the leases north of that fell in Lord Portman agreed that the street should be carried through, and the premises on either side and on the land adjoining rebuilt. That improvement gave some relief to the traffic from York-place.

Chairman.

2289. York-place is the end street forming the end of Baker-street, is it not?—Yes, it is a continuation of Baker-street up towards Regent's Park. This street was made entirely at private expense, and the property on each side was rebuilt. The same area of land inclusive of the street could have been let for materially more; it could have been let for the same purpose at a higher rent. The premises south of the improvement are let on long leases, and no betterment or anything in the shape of betterment can occur to the parties who bore the expense of making the street up there. That I would put before your Lordships as a case in small extent where an improvement is made without any such benefit as betterment being anticipated or likely to arise, although the convenience to the neighbourhood and the convenience to the public is considerable.

Marquess of *Salisbury.*

2290. Do you feel yourself at liberty to give us the cost of the improvements?—I have not brought the figures here, but the cost to Lord Portman was the loss of the street, which was probably equal to 200*l.* a year in land. The land on each side was let for building purposes, and a higher class of buildings were put up; so that whereas I might say roughly the old houses that stood on the site might have been rated to the parish at probably 1,000*l.* a year, the new buildings would be rated to the parish at something more like 8,000*l.* a year; so that the parish and the metropolis generally now get eight times the amount of the rates out of the same property.

Lord *Belper.*

2291. And the value of the property has correspondingly increased?—For public purposes, for the purpose of public rating it has correspondingly increased.

2292. If the rateable value has been multiplied by eight, I suppose the value to the owner has also increased to some extent?—The owner and ground landlord is the estate, but the lessee has expended I should think about 50,000*l.* upon the property, and the benefit, of course, is the interest he gets for his outlay.

Marquess of *Salisbury.*

2293. Did you say the owner is the estate?—Yes; Lord Portman's estate.

2294. Your contention is that the owner did not benefit by the improvement, but the lessee did?—The owner did not receive as much for the land he let as he would have received for the houses if he had left them alone.

Lord *Tweedmouth.*

2295. The lessee carried out the improvement?—The lessee built the houses, and expended, I daresay, some 50,000*l.*

2296. At the period when the lease comes to an end that comes into the estate?—Yes.

2297. So that the owner has the future benefit?—Yes; the owner has the future benefit 90 years hence.

Lord *Belper.*

2298. The lessee gets a return for his money now, and the owner of the estate will get it after the leases fall in?—Yes; making at the present time a sacrifice. If I may pass to another small improvement, the second instance I would mention is that of Broadley-terrace. This plan (*placing a plan before the Committee*) shows that district. On the occasion of the expiration of the leases of some property in Lisson-grove, where you will see the new street coloured pink on that plan, and the Portman-buildings, the vestry thought it desirable that Broadley-terrace should be carried through into Lisson-grove. Up to that time Broadley-terrace was a *cul-de-sac.* The vestry asked Lord Portman's assistance, and it was carried through, the vestry bearing all the expense of making the street, and Lord Portman giving the land at half its value; I think that was the arrangement between us. The Portman-buildings were erected, which are a very large block of artizans' dwellings. That was carried out in 1884; it affords considerable convenience of access from east to west, or west to east, but the question of betterment was not then thought of; and from the examination I made of the rate books I do not find that there has been any increase in the value of the property on either side. The property is numbered on the plans, and taking a bulk of 70 houses that are upon the line of thoroughfare, that is to say, which is now a thoroughfare, and was not formerly a thoroughfare, in 1880 the rating was 2,719*l.*; in 1890 it was 2,744*l.*, showing an increase of 25*l.* only in the rating.

Earl of *Onslow.*

2299. Did you advise Lord Portman that you anticipated an increase in value?—No; I should not anticipate any increase in value from that new access. It is a convenience to tradesmen, and I think mention was made to us at the time, to milkmen especially, who want to get through that way coming from Paddington.

Marquess of *Salisbury.*

2300. It does not raise the rent of the neighbouring buildings?—No; I should say that the Portman-buildings are new, and did not exist previously, but the rents of buildings all along Broadley-terrace and along Earl-street, westward, are not raised. There is only an addition of 25*l.* in the rateable value, taking 70 houses; that is to say, it was 2,719*l.* in 1880, and 2,744*l.* in 1890. There are two houses I ought to mention in case I should be asked about it. No. 2, Broadley-terrace is a public-house, and was raised from 92*l.* to 125*l.*; and No. 1, Sherborne-street also a public-house raised from 84*l.* to 125*l.*

Lord *Tweedmouth.*

2301. Are these houses in Broadley-terrace mostly residential houses?—They are mostly small residential houses with rents of 30*l.* or up to 50*l.* a year.

2302. Not shops?—There are a few shops here and there; for instance *here* (*pointing to the plan*) are shops belong to Messrs. Spencer, Turner, and Boldero, who are large drapers.

Chairman.

2303. Has there been any alteration in the rental value of Broadley-terrace since this change?—No; that was what I was pointing out. I include Broadley-terrace in what I said.

2304. There has been no improvement subject to these two public-houses?—Subject to the two public-houses there has only been an increase of 25*l.* in rateable value on the whole. Some houses have gone up and some have gone down.

Lord *Farrer.*

2305. Was that improvement made by the vestry?—Principally by the vestry.

2306. Without any assistance from the London County Council?—Yes; when the buildings were pulled down and it was vacant land the vestry asked to have this access made.

2307. It was to that extent a local improvement and not a metropolitan improvement?—Quite local.

Earl of *Onslow.*

2308. As you did not anticipate any increase of value and that anticipation was realised, it is to be presumed, is it not, that under the proposal of betterment the arbitrator under the Bill would come to the same conclusion, and that no betterment charge would be made?—When you are arbitrator and have a very strong argument put before you that there must be betterment, you have got a difficulty.

Marquess of *Salisbury.*

2309. Arbitrators have a disposition to decide something, have they not?—They are bound to decide something.

2310. To give a substantive value to their decision?—Yes.

Chairman.

2311. However, the question of betterment had not taken so prominent a part in public discussion at that time as it has since?—At this time in 1884 I do not think it was heard of.

Lord *Farrer.*

2312. Do you think that alteration has improved property in Marylebone parish generally, or that part of the parish?—Not in the rateable value at all. It is true that people there may have to walk 200 or 300 yards less to their business. It is a great convenience, but I do not think it has touched the value of property over the parish. It was a great convenience to people wishing to shop at Messrs. Spencer, Turner, and Boldero's to have, say, 400 yards less to walk

Lord *Farrer*—continued.

2313. I suppose the vestry would not have proposed it and Lord Portman not have agreed to it unless it was some convenience and advantage to the neighbourhood?—I quite agree it was a convenience and an advantage, but what I say is it was no monetary improvement to the houses.

Lord *Thring.*

2314. Your conclusion from that case, as I gather, is that there may be a public local improvement which does not produce betterment to particular individuals?—Yes, or to anyone.

2315. No doubt your opinion upon such a question is very valuable; but when you say you did not anticipate any betterment in such a case I do not know why you should think that an arbitrator would necessarily award betterment in such a case considering you yourself would probably be consulted?—I do not follow your Lordship's question.

2316. My question is this: I understand that you were of opinion, before the improvement was made, and your opinion is more conclusive since, that this particular improvement although of public advantage was of no advantage to individuals?—Quite so.

2317. Surely, when it came before the arbitrator, and he was asked for betterment, would he not also have said it was of no benefit to individuals, and therefore there was no benefit to be charged?—If the arbitrator had the case put before him, I have no doubt it would be well argued on behalf of those who suggested betterment, and it would be argued on the other side and various propositions would be put forward. It is a matter of who can make the best case for the speculation for or against it that must influence him. When the speculation is put before the arbitrator, the people on the one side will give their reasons why in their judgment it will improve the value, and the other side will give the reasons why they think it will not injure the value of their property, and he has to be guided by the one who gives the best argument.

2318. The Bill would come before a Committee of the House of Commons or a Committee of this House, and before the Committee you would be called to say there would be no betterment on one side, and then A. B. would be called on behalf of somebody to prove that there would be betterment; why should the Committee decide in favour of betterment rather than against it?—As I understand, the Committee would be asked to assent to the principle, but it would be left to the arbitrator at a future day to hear the argument and decide on the betterment.

2319. Not if it were proved that there could be no betterment?—It would be left to him to hear the case as I understand, but the party asking for betterment would have the advantage on his side that Parliament had sanctioned and given instruction that the betterment should be got out of it.

2320. I do not understand that. The principle of betterment is the question whether the improvement does or does not benefit an individual. Parliament has not decided that every improvement

Lord *Thring*—continued.

improvement does benefit individuals?—True; at present there is no decision; it is therefore speculative here; but so far as I have seen the Bill, it proposes that betterment should be charged over a distinct area or not outside a certain area, and if that Bill was passed, and an arbitrator appointed, part of his duty would be to try and find some betterment.

2321. I will assume Parliament says that betterment is to be charged when the improvement "evidently and manifestly" (which I think are the words in some of the Acts) shows there is a betterment?—I believe those words have been recently put in. There is a little change in the clause.

2322. Supposing that Parliament, in its wisdom, decides that betterment is only to be enforced when an improvement is manifestly shown, it seems to me obvious that in the particular case you have mentioned the improvement would not he manifestly shown?—Probably not. But I am putting these cases before the Committee to show instances where in smaller extent new streets and thoroughfares have been made and nothing has occurred in the way of increased value to individual property.

2323. I should think it would be admitted by everybody that there may be cases in which the improvement does not benefit individuals, but only benefits the public?—Yes.

Earl of *Onslow.*

2324. Have you not overlooked one provision of the Bill when you say it would be the business of the arbitrator to find some betterment, namely, this, that it is not the arbitrator who is going to be called to find betterment, but it is the County Council who is to make the assessment in the first instance?—That is quite true. I left out for the moment the intermediate steps. But it would come to this, he would be asked to find betterment.

2325. In the case you were mentioning just now where no betterment was expected, do you think it is fair upon owners of property that they should be assessed by a body who obviously want to get as much money as they can, and that they should be brought before an arbitrator with all the costs and expenses incident to such a proceeding, when there was obviously no betterment involved?—I do not think it fair; and, therefore, I mention this case.

Lord *Farrer.*

2326. Would not the owner have, in the first instance, the protection of the Committee of the House of Commons; and, in the next place, the protection of the Committee of the House of Lords; and after that there would be the question whether the County Council thought it desirable to go for betterment or not; and after that, again, there would be the protection of the arbitrator, who is a perfectly independent person?—Shortly speaking, in many cases I should advise the owner to pay the betterment rather than incur the costs of opposition.

Lord *Zouche.*

2327. You mean practically in nine cases out of ten the man cannot appeal?—He cannot find the money. To take these little houses, upon which in this case betterment would be put if it had been proved, none of those people could practically appear. Taking those people whose livelihood consists of the profit to be got out of houses at a rent of 40*l.* a year, if they were assessed for this betterment charge it would be a great loss to them, but they have no money to come here and oppose.

Lord *Farrer.*

2328. What was the length of the leases in the case you last mentioned?—The last case I mentioned was vacant land on Lord Portman's estate.

2329. Then I presume Lord Portman would have resisted himself?—It was vacant land that was given by Lord Portman. That would not have been subject to betterment, but the houses on each side have leases with 25 to 35 years to run.

Earl of *Dunraven.*

2330. I think you said Lord Portman sold the piece of land for half its value?—Yes.

2331. How did you arrive at the value?—Taking it at the same rate at which the remainder was let for artizans' dwellings, about 1½*d.* a foot.

2332. He did not sell it for half its value, in consideration of some prospective value to be gained by the alteration?—No.

2333. It was out of good nature?—The parish asked him to assist to carry out the alteration.

Lord *Farrer.*

2334. Did not that practically amount to an admission of betterment?—Things being in that condition I should be obliged to advise concurrence with the wish of the parish.

2335. It was practically an admission of a sort of betterment tax by Lord Portman, was it not. It does not seem to matter very much whether you let the land go for half its value or whether you get the full value and then pay the tax?—The question of betterment had never occurred to me. The parish asked for a contribution towards the improvement, and the contribution was made in the shape of a gift of land.

Lord *Egerton.*

2336. Have you known cases where the owners have given land for the widening or improvement of a road on the ground that it would improve the value of their property, and betterment has been made in that way; that is to say, they have contributed to the cost of the improvement by giving land that they might have charged the local authority for. Is not that the way in which it is often done, both in London and in other towns?—I should think it is. I know it is done in London, not infrequently.

2337. That is a voluntary act, which is a very different thing from having betterment imposed of an uncertain value, of uncertain duration, and

Lord *Egerton*—continued.

of problematical advantage?—To my mind it makes the whole difference; you know what you are paying and what you lose.

Lord *Farrer.*

2338. Had you any private Bill for carrying out this alteration?—No; I think it is carried out under the powers of Michael Angelo Taylor's Act to a very great extent to open up *cul-de-sacs.*

2339. The vestry have power to take land which the London County Council have not?—Yes.

Chairman.

2340. You were going to give us some other instances which had come within your experience?—Yes. Passing quite away from Marylebone for the present, let me take the case of Whitehall-place. Before the Thames Embankment was made Whitehall-place was a *cul-de-sac.* When the Embankment was made it was extended and made a thoroughfare leading on to the Embankment meeting Northumberland-avenue, and so providing for the through traffic. Whitehall-place, therefore, occurred to me as a position where betterment, as at present explained, would result to the remaining properties. I have taken notes from the rate books, and while I find some material increase has occurred in some houses, from looking at them I find they have been added to; for instance, stabling has been taken in and made into offices, and the houses have been improved; some have not been altered from 1875 to the present time, and some that were altered once (in 1885) have since gone down in value. The principal increase is in Nos. 10 and 11, occupied by the Ecclesiastical Commissioners. In 1875 the rateable value of No. 11 was 750*l.* In 1880 (which was about the time the improvement was completed or being completed) it was 417*l.*; it is now 1,360*l.*; but I ought to point out that they took land and very much enlarged their premises. Immediately opposite to that, taking No. 12, No. 13, and No. 14, in 1875 No. 12 was rated at 279*l.*, it continues the same to-day; in 1875 No. 13 was rated at 307*l.*, it continues the same; in 1875 No. 14 was rated at 500*l.*, it continues the same; in 1875 No. 16 was rated at 594*l.*; in 1880 it was rated at 422*l.*; in 1885 it was rated at 604*l.*; and it is 550*l.* now; that is to say, it is less than it was in 1875.

Lord *Lingen.*

2341. Would not the reason of that change very largely be that while Whitehall-place was a *cul-de-sac* it was largely residential, and that it is now gradually passing into offices public and private, but in the interval the houses that remain residential are less desirable than they were?—I do not think there is a house now in Whitehall let as a residential house.

Lord *Farrer.*

2342. I happen to know there is a house inhabited as a residential house, for I have dined there?—There is only one, I think, I have not followed it out.

Lord *Tweedmouth.*

2343. Do you know whether these changes in No. 16 were coincident with the changes of occupation?—They may be, but I cannot say, I am only taking the rating. No. 18 was rated at 337*l.*; it went to 417*l.* and down to 350*l.*

Lord *Egerton.*

2344. The Ecclesiastical Commissioners have improved and enlarged their offices, have they not?—Yes, very much; I should say they have made them twice the size, by building offices at the back.

Marquess of *Salisbury.*

2345. Have you figures for any other houses?—I will hand in a copy of the figures I have taken as to all of them if your Lordships wish me to do so, and leave it.

Chairman.

2346. I think that would be very desirable; and if there is anything peculiar to any one house, you might tell us now?—I will make a note where those I notice have been added to or increased, calling for increased rent.

Lord *Belper.*

2347. Do you know whether any of the leases of those houses had fallen in, so as to give the owner an opportunity of rebuilding the house if it were thought it would answer to rebuild it?—I do not know.

2348. None of them have been rebuilt, I understand?—None have been rebuilt. Some of them have been added to very much at the back.

2349. You do not know the circumstances of the leases?—I do not at all. I simply took the rate-book, which is generally some guide as to changes which take place in the rents paid.

Chairman.

2350. What is the next case you wish to bring before us?—I have here another improvement in Marylebone (*putting a plan before the Committee*). The site of what is now Mandeville-place was formerly a small *cul-de-sac* on the south, with a mews at the northern end, but not going through into Hinde-street. About the year 1870 the parish undertook the improvement, asking the Metropolitan Board of Works to contribute. The improvement made is that of Mandeville-place, which gave a direct outlet for traffic and business from High-street, Marylebone, down Thayer-street, through Mandeville-place and James-street into Oxford-street. The position of this property is very good, and one where the value of the surrounding property would naturally increase in Marylebone, while those which I have previously mentioned in Marylebone would not so much increase. I find from a return in the parish that the rateable value of Marylebone Parish in 1870 was 1,158,979*l.*; in 1880 it was 1,328,144*l.*, being an increase of more than 10 per cent. In 1890 it was 1,435,340*l.*, or an increase again of nearly 10 per cent. This increase, of course, includes property

Chairman—continued.

property that was rebuilt in the time and improvements, forming the basis of extra rent and extra value for rateable purposes; but it also shows that generally (I say "generally," because some property in the parish did not rise at all) there was an increase of about 10 per cent. That is often referred to as being an increase. I have taken the rating of the property north of Mandeville-place, and taking 14 houses in Thayer-street, those nearest to Mandeville-place, in 1870 the rateable value was 763*l.*; in 1880 it was 858*l.*, and in 1890 it was 949*l.* The leases of the houses on the right-hand side have been renewed during the period, and some repairs made. At the corner of Hinde-street is the new Congregational church. Taking the property south of Mandeville-place I find that the rateable value of the houses in James-street was 1,300*l.* in 1870, and has gone up in 1880 to 1,500*l.*, and in 1890 to 1,900*l.* Those houses again have all had money spent upon them to improve them, and to try and get a better class of tenant and a higher rent. The improvement they have derived, I would submit, is specially from what has been done to the houses rather than from the alteration which was made at Mandeville-place.

Marquess of *Salisbury.*

2351. I gather that the houses to the north only increased 10 per cent., or barely that, while the houses to the south increased 20 per cent., but of that a great portion you say was due to the work done upon them?—I should think nearly the whole was due to the work done upon them.

Lord *Farrer.*

2352. Was that work done because of the new street?—Probably.

Lord *Belper.*

2353. Those houses you spoke of in James-street are a poorer class of houses, are they not, than those built in Mandeville-place?—Very much poorer.

2354. A class of house that would not probably be affected by having that alteration carried out in Mandeville-place?—No. It was hoped that the improvement in Mandeville-place would lead practically to the rebuilding of James-street by the owners; but it has not done so yet, although 20 years have gone by.

2355. The natural outlet from those houses in James-street would be Oxford-street for business purposes?—Yes.

Chairman.

2356. What is the next case you wish to mention?—Then coming to Queen Victoria-street, of which I have the plan here (*putting a plan before the Committee*), I have made inquiries at Queen Victoria-street and I found that the whole frontage had been entirely rebuilt and the majority of the houses in the streets adjoining had either been rebuilt or enlarged and altered for occupation, and the numbers also altered, so that I have not been able to trace them in the rate books sufficiently to give any precise information. I took notes at the times of St. Andrew's-hill which has been mentioned, but I have this morning heard Mr. Vigers' evidence, and probably I need not say anything myself about that, although I shall be able to answer any questions upon the matter. I find the property has gone up and down and has changed very much.

Lord *Tweedmouth.*

2357. Your evidence would agree with Mr. Vigers'?—Yes, I concur with him; there is practically no accounting for why the property should move as it does. A tenant wishing to take a house will undertake to pay a rent sometimes which he is hardly able to pay and which presently he does not pay.

Chairman.

2358. Then we may take it you generally agree with Mr. Vigers upon that subject?—I do.

2359. What is the next case you wish to put before us?—I have here a plan showing an improvement in a road in Bloomsbury, beginning with Bloomsbury-square and going past Gray's-Inn, crossing Gray's-Inn-road; at this point (*pointing to the plan*) it becomes Clerkenwell-road, and goes past the Sessions House and up here into the Goswell-road.

Earl of *Denbigh.*

2360. When was that improvement carried out?—Quite recently; within the last 10 years altogether.

2361. You mean the long road beginning from Hart-street?—Yes, going north-east.

Chairman.

2362. It is the road in which the town hall stands at the corner of Clerkenwell-road, what used to be called King's-road, is it not?—I think the little portion west of Gray's Inn-road used to be called King's-road, in front of Gray's Inn-gardens. It is now called Theobald's-road up to Gray's Inn-road, beyond that it is the Clerkenwell-road.

Marquess of *Salisbury.*

2363. Have you any information as to the changes that have taken place there?—I have made some notes from the rate book which I will mention to the Committee. Beginning at the West-end by Vernon-place, with the exception of one house which was a public-house, the rating in 1875 was 928*l.*, and in 1885 it was 1,003*l.* on nine houses in Vernon-place between Bloomsbury-square and Southampton-row. That is the entrance to the new road. Taking Theobald's-road itself generally, I may say that the ratings have in most cases gone up but not in all cases; and in making the collection of my information I was told with rather an expression of surprise that they had not gone up, because of the road, but they had gone up because the leases had come in there and the houses had been partly repaired and partly enlarged and attended to,

Marquess of *Salisbury*—continued.

to, causing an increase, and there had been re-letting, and some have been rebuilt. Taking the side streets that branch off as being adjacent property within the area of what one has heard spoken of as the area of improvement, I find in Orange-street the ratings of the eight remaining houses in 1875 were 377*l.*, in 1885 they were 402*l.*, and in 1892 they were 419*l.* In Gloucester-street, which is next to Southampton-row, taking the 19 houses there next to the new road, the ratings in 1875 were 809*l.*, in 1885 they were 887*l.*, and 1890 907*l.* That is an increase of only about 1*l.* a house. In Kingsgate-street, which is down below and was a continuation of Gloucester-street, eight houses in 1875 were rated at 317*l.*, in 1885 they were rated at 323*l.*, and in 1892 at 350*l.* In Devonshire-street, which is next to Gloucester-street on the north further east, 34 houses toward the south end in 1875 were rated at 1,529*l.*, in 1885 at 1,739*l.* (that was about the time the improvement was put in hand), and in 1892 at 1,844*l.*

Lord *Lingen.*

2364. Have those houses in Gloucester-street and Devonshire-street been materially altered?—Not at all, I think. They do not present the appearance of having been altered at all.

Marquess of *Salisbury.*

2365. Have you any knowledge of what the average rise in the parish is, as you gave it for the parish of Marylebone?—I have not that information with regard to this parish. I have more facilities for getting such information in Marylebone than in other parishes. In Harpur-street 20 houses in 1875 were rated at 1,123*l.*; in 1885 they were rated at 1,183*l.*, and in 1892 at 1,194*l.* Then Lamb's Conduit-street (which was itself always a thoroughfare, I should explain, in continuation of Red Lion-street, you could get into Holborn); in 1875, 22 houses there were rated at 1,572*l.*; in 1885 they were rated at 1,715*l.*, and in 1892 at 1,580*l.* So that the rating has gone back.

2366. It has gone back upon the improvement?—Yes; in Great James-street 21 houses in 1875 were rated at 1,415*l.*; in 1885 they were rated at 1,736*l.*, and in 1892 at 1,823*l.* There is a substantial rise there. Great James-street is used more as offices by solicitors and others; it is a continuation of Bedford-row.

Chairman.

2367. Have you got the facts about Bedford-row itself?—Yes; Bedford-row has materially increased at that end; some of the houses have very much increased.

2368. It always was a place for solicitors, in a great measure, was it not?—Yes.

2369. And I presume the approximation of the Law Courts has not diminished its value?—I should not think it has. Speaking of that, I do not think Lincoln's inn was improved by the Law Courts coming so close. I am told by the owners of property there that it has not been.

Chairman—continued.

2370. Has it not?—I am told they do not get so much rent now as they did before. Taking 15 houses in Bedford-row, in 1875 they were rated at 1,701*l.*; in 1885, before the improvement in Theobald's-road, they had risen to 2,085*l.*; and in 1890 they had risen to 2,475*l.*; but as regards the figures for 1890, I should explain that one house that was in 1875 rated at 55*l.* only has been rebuilt, and is now rated at 284*l.*, accounting for about 230*l.* of the increase.

Marquess of *Salisbury.*

2371. That is about half the sum of the general rise?—Yes, it is rather more. From 1875 to 1885 it was 380*l.*

2372. But taking the rise up to 1890?—It would leave it at about the same.

Lord *Belper.*

2373. Was that house in such a position that the improvement would make it worth while rebuilding the house?—It was a corner house.

2374. Therefore the rebuilding and putting up a better house was caused by the improvement?—It followed the improvement, which involved the expenditure of a large amount of money.

Lord *Lingen.*

2375. Bedford-row being a legal street the improvement there was distinctly due to the bringing of the Law Courts north of the Strand, was it not?—That may have tended to cause that rise between 1875 and 1885. I do not think it would have much to do with the rise afterwards.

2376. Except in proportion as the convenience was found to be a real one as time went on?—Yes, that may be so.

2377. Then passing on and coming to Clerkenwell-road, I may say shortly that nearly the whole of that frontage was rebuilt, artizans' dwellings, and so forth, being put up, and there is no guide there to form a comparison——

Chairman.

2378. But have you looked at the streets adjoining?—Yes. I will come to them in a minute, with your Lordship's permission. If I may go to the end of the thoroughfare where Clerkenwell-road approaches Goswell-road, it was formerly only a very narrow passage, which is marked in red on that plan. It is now made into an important thoroughfare. *This* road was formerly only of *that* narrow width (*pointing to the plan*), a passage about 10 feet wide getting into *this* street. It is now a wide street the whole way through. The whole of *this* property (*pointing to the plan*) has materially improved; money has been spent upon it owing to the wish to get better tenants, and a better class of occupation. But to go back a little westward, the streets that branch out of Clerkenwell-road, Leather-lane, and Hatton-garden, have not increased. There has been a tendency to go down. Since 1885 some of the ratings have gone down.

2379. I think we were told Hatton-garden had gone down?—Yes.

2380. That

Marquess of *Salisbury.*

2380. That was with regard to another improvement, namely, the Holborn Viaduct, so that Hatton-garden has been hit on both sides?—Yes, it has had improvements on both sides. But the class of tenants has been changing since that took place.

Chairman.

2381. I think that was a change attributed to the departure of the diamond merchants?—Yes; there is less demand there for premises than there was.

Marquess of *Salisbury.*

2382. Have you got the aggregates for that property?—Yes; in Leather-lane nine houses at that end, in 1875, were rated at 594*l.*; in 1885 they were rated at 601*l.*, and in 1890 at 612*l.* In Hatton-garden there has been a great deal of rebuilding. Taking the houses towards the top that are nearest to the new road I have the figures for 12 houses; I have not got them added up, but I will add them up and send it in.

2383. Perhaps you had better give the figures for some of them?—No. 52, in 1875, was rated at 89*l.*; in 1885 it was rated at 167*l.*; and in 1893 it was rated at 134*l.* No. 53, in 1875, was rated at 65*l.*; in 1885 it was rated at 142*l.*; and in 1893 at 110*l.* No. 51, in 1875, was rated at 120*l.*; in 1885 it was rated at 146*l.*; and in 1893 at 146*l.*

Lord *Belper.*

2384. Was the improvement carried out after 1885 or before?—It was in hand in 1885, and a little after; and before.

2385. Therefore in the valuation of 1885 there was no alteration in consequence of the improvement?—No. At that time there was a great demand for a special trade in the Hatton-garden neighbourhood.

Lord *Lingen.*

2386. Has it come under your knowledge in the course of you practice that valuations are made on very different principles in different parishes within the County of London, and that there is no uniform system of valuation?—I should not like to say so much as that they were made on different principles, but there are very different calculations in results. Presumably the principle throughout is what a house will let for. But the results do not harmonise either in the same parishes or in adjoining parishes.

2387. Complaint has been raised that since there has been a common fund there is a temptation to under-value; have you found that to be so?—I have not found that in the case of the parishes I have had to do with. I have had experience in nearly all the parishes outside the City, and in some few in the City, and I have found that supposing a client spends 100*l.* only on his house he gets put up three times the addition which I think would be reasonable; and if you appeal you get put down again.

Lord *Lingen*—continued.

2388. And that on no uniformity of principle; have you found varieties of that kind between parish and parish?—No; I find it is the custom if they find a small amount expended in improving the house to put up the rating.

2389. Is that universal?—Yes.

Lord *Belper.*

2390. You confirm Mr. Vigers' opinion that the valuations in many cases are not very accurate?—Yes. They are usually made by the rate collector to begin with. He acts as the deputy of the assessment committee.

Chairman.

2391. Is not that part of the duty of the assessment committee; and the assessment committee is supposed to do its duty; I do not know whether it actually does?—Speaking from my impression (subject to correction) which I think is very well founded, I think the first figure put before the assessment committee is the figure of the rate collector.

Marquess of *Salisbury.*

2391*. The rate collector is not a very highly cultivated person, I presume?—Usually not; occasionally so.

Chairman.

2392. The assistant overseer is generally a person of experience in such matters, and is selected for that reason?—I did not know that that was so.

2393. I am asking your experience?—I do not know him to be so.

2394. He is selected for that reason, and is permitted by Statute to be paid, whereas the overseer is not?—Yes. Another person who has a very great influence in raising the rates is the representative of the Crown for the Income Tax Commissioners.

Marquess of *Salisbury.*

2395. You are going to put in all these figures that you have, are you not?—Very well, my Lord, I will do so with pleasure.

Chairman.

2396. Is there any other case you would like to draw attention to?—Yes. I have one more case which I should like to refer to, namely, Seymour-place; that is just opposite Lisson-grove. I should say that previous to 1872 the access from Seymour-place on the south to Marylebone-road and Lisson-grove on the north was through a narrow passage about 10 feet wide at the north end, and 15 at the south. At that date the parish authorities thought it would be an advantage to make a street straight through to allow of communication north and south, which was very much diverted before that time. It was carried out by the Metropolitan Board of Works I believe at the request of the parish, the parish contributing. The whole frontage on the east side of the new street was rebuilt. On the west side the county

Chairman—continued.

court already existed, the baths abutted upon it, and they were extended, and the police court was built on a portion of the remainder, and the bottom corner was rebuilt. Taking a number of houses on the south side of the improvement, in York-street and Seymour-street, and Crawford-street, which of course derive some benefit from the better access north, 77 houses in 1870 were rated at 3,664*l.*; and in 1880 they were rated at 3,954*l.* Then, taking the houses on the north side, I find that 26 houses in 1870 were rated at 1,810*l.*, and in 1880 they were rated at 1,994*l.* The greater proportion of this increase falls on one premises, the Philological School at the corner of Lisson-grove, which was raised from 140*l.* to 209*l.* In 1888 the portion of property north of York-street was rebuilt; but taking the same area again, the property that is still standing, it was in 1870 rated at 1,810*l.*, as I said; in 1880 it was rated at 1,994*l.*, and in 1890 it was rated at 1,975*l.*; that is to say, the property has gone down.

Lord *Belper.*

2397. Can you give us the particulars of the variation in Walmer-place and Walmer-street, which seems as if it ought to be benefited by the improvement?—I am informed by my clerk who has seen the rate books that they are precisely the same.

2398. Would they get a much better access?—Yes, a little better; but they are small two-storied cottages, and some of them are only one storey; they are property that is very poorly occupied indeed.

Chairman.

2399. Are there any general observations you would wish to make upon the questions before this Committee?—With respect to the increased value suggested as following of necessity upon the public improvement, I would point out that such increase does not in my judgment arise so much from the public improvement as from the remodelling the old premises for a better and more convenient occupation, or their rebuilding; and then the yearly extra value put upon them is only a return upon the new outlay upon the premises rather than caused by the public improvement. These improvements in Marylebone, which I mentioned as being made some years ago, were never suggested as being likely to cause any improvement in the shape of betterment; they were proposed for the general benefit of the whole parish, and, to some extent, of the metropolis. To refer to the Tower Bridge Improvement for a minute, I think that improvement may very much relieve London Bridge from the heavy traffic and relieve Gracechurch-street and Fenchurch-street on the north, and also Tooley-street on the south, and so far on the one hand it will be a convenience to the forwarding and delivery agents in getting their goods to and from the north and south. It will also be a convenience to the business men of the City to have London Bridge less occupied by traffic, and so get more

Chairman—continued.

rapid access from north to south to London Bridge Station. The Tower Bridge improvement will benefit all those people and the consumers also in London, in my judgment much more than it will benefit the immediate land fronting upon the street. With respect to the separate assessment of the land and buildings I would say, with certain information given to one, and having the scheme for the use or development of the property in view, a valuation is not infrequently made, in fact, it is very frequently made, as a building speculation, but only as a speculation. It does not by any means follow that that proves to be a correct estimate. One has often had personal experience of great failures in speculation. I am of opinion that an owner ought not to be assessed or made liable for a definite and fixed payment for the future upon any speculative theory or proposition. I think that any such assessment upon premises by way of a permanent charge would tend very much to prevent the rebuilding and improvement of property that takes place in connection with or in the neighbourhood of a public improvement. It often happens that a man owning a house which standing as it is, land and buildings together, may be worth 100*l.* a year, and people with money ready to invest who are always looking out for houses would be willing to offer to buy that property, and would spend money in rebuilding, but if it was subject for all time to a fixed charge that would very much hinder such action on their part, and the rebuilding that takes place by this means is a very great item in raising the annual value of house property generally in London.

Earl *Cowper.*

2400. I do not quite follow why the charge of betterment should prevent a man who had to pay it from improving his land afterwards; I should have thought, having paid for it, he would endeavour to make the most of it?—Supposing the house worth 100*l.* a year, he would find a fixed rent and some proportion at present not fixed (it might be 10*l.* or 15*l.* or 20*l.* a year) as a perpetual charge ——

Lord *Farrer.*

2401. I suppose these improvements have to be paid for by somebody?—Yes.

2402. If those improvements are not paid for by the persons immediately benefited they have to be paid for by the general rate?—Yes, that would be so as regards general improvements.

2403. With those expenses the general rates go up?—Yes.

2404. Then to that extent all rates tend to prevent building and improvement?—Yes.

2405. The more heavily the town is taxed the less money there is to spend?—Yes.

2406. The expense must fall somewhere, and it is only a question of where it will fall with the least injustice and hardship and the least detriment to the community?—I think so; and I think, therefore, the more it is distributed the less harshly it falls.

2407. The

Lord *Belper.*

2407. The owner of property does not escape the charge by not rebuilding?—No.

2408. Therefore, as Lord Cowper says, so far from its being his interest not to rebuild after the betterment charge has been made, in order to repay the charge it would be his interest to make as much out of the property as he could?—He would have to repay it, but it would materially depreciate the value of his property, and people speculating in property do not like to take it with a charge if they can help it.

Lord *Egerton.*

2409. Would not this represent what would occur: If there is a betterment rate on a property it would deter people from building on that property, because the betterment rate would be so high that no profit would be got out of building in all probability?—There would be less profit got out of it, that is what I meant to imply, and less available for speculation.

Lord *Belper.*

2410. He would get still less profit if he used the property for a purpose that did not pay so much?—On the other hand he would not have to spend his capital.

Lord *Egerton.*

2411. The land instead of being built upon would be left unoccupied, because nobody would be found to build on speculation a building which with the betterment rate would give no adequate return?—Yes.

Lord *Belper.*

2412. That would depend entirely upon the cost of the building compared with the betterment rate put upon it?—I quite admit that.

Chairman.

2413. How are you to get at the betterment rate unless you assume there is a particular kind of building upon the land?—The betterment rate would have to be taken for the buildings as they stood.

2414. That is one of the difficulties of the problem, is it not?—Yes.

Lord *Belper.*

2415. Upon the buildings as they stood and even upon the value of the land for betterment?—The value of the buildings and the value of the land together. As long as there is a house upon the land the two are together, and you take the value of the two together; but if the betterment is placed upon a house worth 100*l.*, supposing it is improved 20*l.* a year, the land is not improved 20*l.* a year; but anything in the way of a permanent assessment, as I understand the clauses of the Bill, would fall upon the land and the land only if you pull down the house.

2416. Surely the actual increase in value is upon the land, the building is worth what it is, as so much bricks and mortar with so much skill; but the increase in value is upon the land?—I should say that the increase of value in every case is upon the house, that is the tenement for occupation, the house stands upon the land, and in that sense it is upon the land.

Lord *Belper*—continued.

2417. Surely if the property goes on increasing in value, so that in one year it is worth 100*l.*, and 10 years afterwards 150*l.*, there is no change in the building; the building remains the same. The increase in value is upon the increased value of the land, is it not?—I should say the two together. From my experience, I should say, as I said at the beginning, supposing property worth 110*l.*, the land being worth 10*l.*, if the whole property increases for letting purposes to 120*l.* or 130*l.*, the land had not increased that 20*l.* or 30*l.*, that is to say, the land would not fetch 20*l.* or 30*l.* more than before.

2418. How can the building have increased if it is the same building, and used for the same purpose?—It may not be used for the same purpose.

2419. Supposing it was used for the same purpose?—I do not think it would increase for the same purpose.

2420. Take a neighbourhood where the value of the property is gradually rising, supposing it is a residential neighbourhood where a good class of houses suitable for the purpose are built, each time there is a new assessment those houses rise in value; surely the whole of the rise is upon the land and not upon the building, which has not been altered?—That is not my opinion.

Lord *Farrer.*

2421. You think you cannot separate between the land and building, that the two are incorporated for the time being?—I must not say definitely you cannot separate them, but I do not think you can do it with justice to both parties, you cannot tell what the increase is.

Lord *Egerton.*

2422. Is not the increase in the value of the house in such a case as Lord Belper spoke of caused because there is a larger demand for that particular class of house in the particular neighbourhood than there was before?—Yes; that is the reason for the rise; but I understand Lord Belper wished to carry it further back and to say that whatever the increase was it must rest upon the land, so that if you let property formerly at 100*l.* and you now let it for 150*l.*, if you pull down the house you would get the extra 50*l.* upon the land. I say you cannot do it.

Lord *Farrer.*

2423. If the house is still used for the same purpose and that purpose is one for which there is an increased demand, the demand will be for the house and land together; that is your contention?—Yes.

Chairman.

2424. Is there anything you desire to add?—I think not.

The Witness is directed to withdraw.

MR. EDWARD TEWSON is called in; and Examined, as follows:

Chairman.

2425. YOU are a member of the firm of Debenham and Tewson, the well-known firm of land surveyors and valuers?—Yes.

2426. Perhaps you will state to the Committee your experience?—I have had upwards of 35 years' practical work in London and in the suburbs of London and in the country generally. I think I may say that my firm has one of the largest businesses in London, and that I am throughly acquainted with properties in all parts of London. For many years it has been my study to watch the whole of the property market and to consider the causes and effects of rises or falls in the various districts in London.

2427. Part of your business, I think, or the business of your firm, is both to let and to sell property?—To deal generally with letting, selling, and dealing with all kinds of property, and, consequently, it has been my study through the whole of that time to keep myself acquainted with the markets. I think I may say I sell as much property, and deal with as much property as any man in London. I have gone into the question and studied the question of betterment very closely and I have expressed an opinion on various occasions, which I repeat now, that I think the principle is entirely wrong. It is wrong in its inception, and it is impracticable and impossible with due regard to equity to carry it out. As an illustration of my idea of the principle of the thing I may say there were two schemes propounded by the London County Council in both of which I was concerned, and one could not avoid being struck by the great dissimilarity between the two schemes representing the areas proposed by the London County Council for the betterment. The first scheme was that of the Strand, which I was engaged in on behalf of the Duke of Norfolk, who had a good deal of property there. That scheme included Clare-market, which your Lordships know is close by Lincoln's Inn-fields, and a very large area of it is very poor, squalid property. That scheme embraced that area. The idea that that area would be benefited by the widening of the Strand was only one which the County Council could have indulged in, as I thought.

2428. You must take that with the explanation which has been given that that was not an area of improvement according to Mr. Harrison's view, but only an area excluding the possibility of other people than those included within that line being made the subject of any additional rate?—It is very well to put that explanation forward now; but the explanation put forward then was that that area was to be improved and bettered by this scheme.

2429. Do you really say that, because, if so, I am sorry we did not know that when Mr. Harrison was being examined?—I do say so.

2430. Why do you say it was so. Was evi-

Chairman—continued.

dence given on the subject?—Evidence was given directly on the subject by the officers of the London County Council, and my observation upon it, I remember very well, in reply to a question put by one of the Committee as to my idea of the area was, "I verily believe if you put an old spider into an inkpot, and let him creep about on the plan, he would make a better line."

Marquess of *Salisbury.*

2431. Was this evidence given before a Committee of the House of Commons?—Yes. It is all in the Blue Book.

2432. On that Bill?—On that Strand Improvement Bill. The whole of the evidence was given, and that area was unquestionably put as the area that would be bettered, and that was my observation upon it. Then the next scheme in which I was concerned was that with reference to the Tower Bridge, which was recently before a Committee of the House of Commons, and there there was a great difference. There the suggestion was only that the land immediately abutting on the street in question would be bettered. So that in my judgment it is impossible for any man to arrive at a fair area which may be said to be bettered by any new street carried through the district.

Chairman.

2433. Would you have the same objection if, instead of an area being selected, each person whose tenement was alleged to be improved should have a right to contest that upon appeal?—My Lord, the cost of that contest would be so serious that no small owner would dare indulge in it.

2434. Then your objection would be that of cost?—My first objection would be that of cost, and then I think it would be very hard on the small owners of London to subject them to the risk of action by a body like the London County Council, having the ratepayers' money to expend. I think it would be most serious.

Marquess of *Salisbury.*

2435. Was this Strand area mainly in the hands of small owners or of large?—That was not disclosed.

2436. You are not aware of that, yourself?—Well, I was acting for the Duke of Norfolk, and he was a large owner on the south side of the Strand, but the main area that was proposed to be included in the betterment scheme lay on the north side.

2437. Of that you know nothing?—I imagine it would be in the hands of a number of small owners. I do not think there is any very large proprietor in that district. Then I think that no man having a large experience of dealing with properties in London would attempt immediately

Marquess of *Salisbury*—continued.

diately to fix a value upon an improvement which may be likely to occur in the formation of a new street. I have had large experience with reference to the creation of new streets in the City of London, and I know that no man could tell this year or next year what the probabilities of that new street will be. It is impossible to tell. We all of us know that London is very peculiar in that respect. It takes a very long time to accustom the inhabitants of London to go into new streets. Take for instance the Thames Embankment. I remember very well for many years having to come constantly to these Houses and the Courts of Justice, and on the Thames Embankment one could frequently come from Blackfriars Bridge to Westminster without meeting a dozen carriages. It takes years to accustom the public of London to any particular street. I can give your Lordship a good many illustrations with regard to the effect of that. First of all Mr. Vigers spoke about New Oxford-street. I thoroughly agree with all that he said about that. When that was formed it was considered it would be equal, at all events, to the streets from which it formed a link; that is to say, Holborn at the east end, and Oxford-street at the other. That has never yet been the case. The buildings in New Oxford-street have never yet realised the rents even now (and it is 50 or 60 years since it was formed) which were realised and are realised by the premises in Oxford-street and in Holborn. Then Victoria-street, Westminster. That also remains to this day unfinished. I have offered myself, only a few months ago, one of the largest sites in Victoria-street for sale, and failed to find a buyer. It has been empty ever since the street was formed, and remains empty to this day. I know of my own knowledge, because I have had dealings with the buildings, that there is scarcely a building in that street that has been a success and that has paid the owner a reasonable interest on his outlay. Then Queen Victoria-street in the City. The Act for that was obtained in 1862. Enormous sums of money were spent on the buildings all through that street, and within my knowledge many very heavy losses have been sustained, and up to the present day a great many of the premises do not realise much more than the ground rents that are paid for them. With regard to that I have brought a City plan with me. This is the line of the street and this is Cheapside. We have very large dealings with all properties in the City, warehouses and offices.

2438. I think your own offices are somewhere there?—Yes. I may say generally, without going into detail, that the whole of this area between Cheapside and Queen Victoria-street is of no larger value now than it was before Queen Victoria-street was made, and, in fact, a great deal is of less value.

2439. I suppose that would be an average observation. You would not say no buildings were more valuable?—No, but I say that area. I could give your Lordships illustrations of many buildings which I have had to deal with in Friday-street and those streets. I do not say that Queen Victoria-street is responsible for that, because we all know that we have had

Marquess of *Salisbury*—continued.

serious depression in trade, and the depression in trade has retarded, and in many cases obliterated the improvements that might have been made from other causes.

2440. Queen Victoria-street has not tended to raise the value of property in its neighbourhood?—No; on the contrary, the minor streets have been lessened in value because of the large buildings in Queen Victoria-street; and I will give your Lordships another illustration of that directly as regards Holborn Viaduct. Hatton-garden, which is at the base of the Holborn Viaduct, going West, was long the seat of the principal diamond and jewellery trades in London, the wholesale trades. When the Holborn Viaduct was made we had a great deal of business in Hatton-garden at the time, and we advised owners not to grant more than seven years' leases of their premises in Hatton-garden, believing that the Holborn Viaduct would probably improve Hatton-garden. Your Lordships will remember the approach then from the City down Snow-hill was a very awkward one, and we thought that the approach being improved by this Viaduct would give better access and necessarily would increase the value. We find now that instead of doing that, the properties are lessened in value, and that a large part of the diamond market has gone upon the Holborn Viaduct itself. These large buildings have very numerous upper floors; the shops let very readily for trade purposes, for retail tradesmen; but there is a difficulty in getting tenants for the upper floors: and therefore they have been offering them at low rates, and a great many of the principal diamond merchants have gone there, to the prejudice of the old market, which was in Hatton-garden. That is an illustration that bears on the question, because if ever there was an improvement in London that would be called a local improvement as well as a metropolitan one it was the Holborn Viaduct. All the streets going from Snow-hill were very difficult of access, but now they are easy to get at.

Lord *Belper.*

2441. What sort of occupiers have taken the place of the diamond merchants in Hatton-garden?—There are some still remaining in Hatton-garden, as you would see by the Directory; but the principal of the diamond merchants have gone from Hatton-garden on to Holborn Viaduct, and therefore the rents of Hatton-garden have not increased.

2442. But what class of occupiers have taken the place of those merchants who have left Hatton-garden?—Italian gilders and looking-glass makers, and tradesmen of that sort, figure makers, and a great many Italians are in Hatton-garden now.

Chairman.

2443. It used to be a great Italian colony in respect of the makers of thermometers and articles of that sort?—Yes. That was the origin of a great many of those Italians who have made such large fortunes in England.

Earl of *Onslow.*

2444. Has the effect of the improvement been to abstract from surrounding streets to the new street the trade really carried on in the surrounding neighbourhood?—Yes, and that in my opinion has been the case with Queen Victoria-street. The sapping of the traffic from those side streets into the main thoroughfare has damaged the side streets; and, I think, that will be the case all over London wherever a new street is made.

2445. Your objection to the selection of an area would be that it ought not to include anything excepting the property actually fronting the new street?—I am not quite sure that it should always include that. It does not follow that because the street is wider than it has been that it is necessarily a better street for trade. I think that in London the narrow streets are very often better for trade. Take Old Bond-street, for instance. I would rather, if I were a shopkeeper, be in Old Bond-street than in Regent-street, because if you are walking down or up Old Bond-street you can see from one side of the road to the other. You can see a shop window if it is on the other side of the way, and you have only two lines of carriages to contend with. If you have a wide street elderly people find great difficulty in getting across it.

2446. If you were an occupier in Bond-street you would prefer to see Bond-street narrow, as it is now, rather than Bond-street widened?—Undoubtedly.

Earl *Cowper.*

2447. Would not there be a difficulty in carriages drawing up?—I would rather be in Bond-street with its present width than in Bond-street 100 ft. wide, and I think that would be the opinion of all traders.

Earl of *Onslow.*

2448. Would the same apply to the Strand?—Yes; I think it would apply to almost every street in London. The object, I think, of a retail tradesman is to get as many people as he possibly can in a street, and to keep them there as long as he can keep them. The effect of a wide street is to give facilities for quick traffic, and to get the people in and out of the street as quickly as possible. That is very little good to the tradesman.

2449. Would you say that the effect of an improvement such as is proposed for the widening of the Strand would be to give better accommodation to all the people in London who used the street, but would be of less value to those who have property there?—I think it is a metropolitan improvement that would be felt by all of us alike, and the burden of which should be borne by all alike.

2450. If anything less by those on the properties facing a street?—I will not go quite as far as to say least by those having properties facing the street.

2451. I say less?—Yes, less.

Lord *Farrer.*

2452. Would you go the length of saying that the widening of the Strand would have diminished the value of property on the north side of Holywell-street?—No, my Lord, I do not say that. I have had too much experience to say a thing like that.

Lord *Farrer*—continued.

2453. I did not want your observation to be taken in a more general sense than you intended it?—No, I did not suggest that.

Marquess of *Salisbury.*

2454. I suppose residential property, as distinguished from shop property, is improved by the broadening of a street?—Generally I think it would be, but our metropolitan improvements generally take place in business centres. We have seldom any material improvement suggested in the residential parts of London.

Lord *Thring.*

2455. Do you think the widening of High-street, Kensington, which is one of the most blocked streets, would injure the shops on the other side?—Some shops it would, shops that depend on chance customers, but the old-established shops which are dependent upon a connection, of course would be benefited.

Earl of *Denbigh.*

2456. Then you would put an improvement in the nature of widening a street on a totally different footing from an improvement which gave a new access to a certain neighbourhood?—Yes, a railway gives access to a neighbourhood, but a railway never gets betterment.

2457. I mean to say with regard to the view of the improvement or not of the surrounding property. Your general statement is that the widening of a street does not necessarily add to the value of the houses in that street?—Quite so.

2458. Therefore that is on a rather different footing from property to which access is obtained by that new street being cut through?—Yes. I think it is possible that a street opening out and taking away a lot of old property and connecting two important districts would greatly improve both districts.

2459. Then do you agree with Mr. Vigers when he said that New Oxford-street has not added to the value of property down there?—I do not think New Oxford-street has increased the value of the property there at all. I think Mr. Vigers' observation was mainly to the effect that New Oxford-street itself had never been a success. In that I am with him. It does not follow that the widening of a street means a success in that street itself; I think, of course, as times are now that the formation of New Oxford-street has been an enormous benefit both to Old Oxford-street and Holborn. We could not do without it.

Chairman.

2460. You mean you could not do without it in respect of the carriage traffic?—In respect of the traffic of London generally. It is one of the main arteries, but I do not think either Oxford-street or Holborn should be called on to pay for it. It is a metropolitan improvement.

2461. In

Earl *Cowper.*

2461. In that case you referred to Holborn Viaduct, it improved the site of the street very much in value?—I was speaking of the question of improving Hatton-garden.

2462. The trade went from Hatton-garden?—I want to be quite correct. I did not say all the trade had gone, because it is manifest that some of it is still remaining.

Earl of *Denbigh.*

2463. The diamond merchants from Hatton-garden would hardly come under the category of ordinary retail traders?—No, they have no shops.

Marquess of *Salisbury.*

2464. Have you any knowledge of Broad-street, and how that was affected by New Oxford-street. It lies just to the south of it, and was the old means of communication?—No.

2465. You do not know about that?—No.

2466. It always looks very desolate, and I wanted to know what had happened to that?—I do not know much of it, but I know the street.

2467. It used to be the old artery?—Yes, but the traffic has been diverted from it and it is practically a very second-class street now.

Chairman.

2468. It is occupied by vans belonging to some wholesale iron trade as far as my experience goes?—Yes.

Lord *Zouche.*

2469. Can you give us any information about Shaftesbury-avenue and the effect of the construction of that?—I have no special knowledge of that only from my observations going to and fro. I think that will take years to develop, and I certainly do not find that there has been any improvement in the side streets. The street itself, of course, is a great improvement, but the side streets have suffered because of that improvement. The businesses which are carried on in the side streets have lost a great deal of the custom which used to come from the old streets over which this now passes.

Lord *Farrer.*

2470. Has that gone to the new street?—It is a different class of trade. The new street is taken up with a different class of property. There used to be old rag shops, old clothes shops, and marine store dealers of all kinds on the line of the old street.

2471. If the old street through which the traffic used to pass has lost it, that traffic must have gone somewhere. Has it gone to the new street?—The traffic has gone to the new street.

2472. But the retail trade?—No. The new street has a different class of trade. That is dispersed, and nobody knows where it has gone.

2473. Absolutely destroyed?—Dispersed.

2474. Not transferred, but destroyed?—I should say dispersed. I do not know what has become of it.

Chairman.

2475. There were old clothes shops which one remembers in one's early days, nearly every second house?—And bird shops and dog shops, and basket shops, and all that sort of thing.

2476. Those do not find their way into Shaftesbury-avenue to any considerable extent?—No, they are gone away.

2477. What the noble Lord wants to know is what has become of that?—I do not know; scattered over the face of the earth.

Earl *Cowper.*

2478. Do you know of any case in which the houses fronting on the side of any new street which has been made or widened have been very materially improved in value?—I think some of them necessarily would be improved fronting the street.

2479. And have been very materially?—I should think that would follow, and it follows in this way, that the ground after the new street is formed is suitable for a different class of building. The old premises are pulled down and a large block of buildings built.

2480. In those cases there would be no injustice in making the people who reap this great benefit pay for it?—Excepting that they are ratepayers who for 30 or 40 years it may be have been paying that very rate all over the Metropolis.

2481. There would be a very little increase comparatively in what they pay for extra rates and nothing compared with what they would pay by the betterment scheme?—They have been paying this large rate for 30 or 40 years for bettering other people's properties. I think it is an injustice now to attack them.

2482. And they are to get their improvement for nothing?—I think it is an injustice to prevent them getting these improvements at the cost of their fellow-ratepayers.

Lord *Belper.*

2483. You say that because a principle which has been a very proper one has been in existence for a certain length of time you are never to change it, because in the act of changing you may do some slight injustice?—I do not think it would be a slight injustice. I say it would be a gross injustice.

2484. Do you think it would be a greater injustice than is done now by making people pay for benefits they do not get?—Yes; because we all live in one city. We are all fellow citizens, and enjoy the amenities of the city, and we ought to bear the burdens equally. As Mr. Vigers illustrated it just now, Poplar is getting the benefit of an under bridge or tunnel at the expense of the West End. Poplar cannot complain. Then I think the observation is made that the rich districts of London contribute so much larger an amount than the poorer districts do. A house occupying a certain space in the poorer parts of London may be rated at 40*l.* a year, whilst one occupying the same space in the richer parts may be rated at 4,000*l.* a year.

2485. I understand your argument, but the

Lord *Belper*—continued.

point I rather wanted to get at was this. Supposing you consider that the alteration may be a desirable one, are you to be prevented carrying that out because you have to alter the system which has been in existence, and to make some of the people who have already paid for other people's improvements also pay more than other people for their own?—I should not do that. I object to that because I contend that the scheme is impracticable, unfair, and unworkable. I have a large experience of these things myself, and I do not know who would be bold enough to undertake the working of such a principle equitably and fairly. We could do it by rule-of-thumb, and jump at conclusions, but we could not do it and tell you why we did it, and give a satisfactory reason for its being done.

2486. That, I understand, is your opinion about the principle itself, but then I do not understand you think that if you did think the principle desirable it is impossible to make a change because of the injustice that might be done?—Yes, I do. If I thought the principle were desirable I should object to it, because I am satisfied the scheme would be unworkable. It could not be done with any sense of equity. I am not speaking in this way, if I may be allowed to say so, because I want to get benefit from it myself. I have a very large business, and if this principle of betterment was carried out I think that my business would be enormously increased.

Marquess of *Salisbury.*

2487. You would have to do a good deal of this impracticable valuing?—I should be called in to value on behalf of claimants, not for the London County Council, because I never act for them. Unfortunately I am not on their list.

Earl *Cowper.*

2488. You would always put the betterment very low if you had to value?—I should get it as low as I could for my client, you may depend on that. I should be employed to say it was one, and the London County Council valuer would say it was ten.

Earl of *Onslow.*

2489. Do we understand that you clearly think that wherever betterment may cease it certainly does not extend to side streets adjoining the new street which is made as an improvement?—Not necessarily.

2490. It may possibly?—It might possibly. There might be some slight benefit to some individual house, but the improvements which are taking place in London are not only improvements which the London County Council are the authority undertaking. Now take, for instance, the new Tower Bridge. I want to know how I, as a surveyor, could possibly define, assuming there be improvement and betterment, how much of that is attributable to the Tower Bridge itself, and how much to the street approaching the Tower Bridge, and how much to any of the improvements taking place constantly in all London. Your Lordships know, I daresay, that cases of this kind may occur, that

Earl of *Onslow*—continued.

there is a street of houses and some unfortunate man sells the two corner plots of the approach to the street. They are bought by some speculator who runs up a gin-palace on one side and something equally objectionable on the other, and succeeds in getting a licence some way or other. You know that those two objectionable corners of the street would practically damn the whole street. They do an enormous amount of mischief, in the same way that good houses at the corners of the street would improve the street. Improvements are taking place all over the Metropolis, some by me and some by you and some by our friends.

2491. That is to say it would be impossible to attribute the increased value exactly to the amount of the public outlay?—Exactly so; there is the illustration at once. It may be wholly attributable to the new Tower Bridge, which the Corporation of London are building at their own cost without asking any betterment, or it may be the new street which approaches it. I could not define it.

Lord *Farrer.*

2492. You say at their own cost. You mean out of private estates?—I mean at their own cost.

2493. Not out of the rates?—I mean at their own cost.

2494. Out of public estates?—I do not know where it comes from.

2495. Out of estates held on public trust?—I do not know how it comes. As long as they continue to be the corporation I should say they are the owners of the property.

Lord *Thring.*

2496. You used the expression that the scheme was impracticable, unfair, and unworkable?—Yes.

2497. Suppose it was practicable and workable, would you consider it unfair?—Yes.

2498. Why?—I have already explained myself. I think it unfair to tax me. I have paid rates for the whole of my life to benefit property north, south, east, and west in London, and I think if I have a property that may be benefited by some proposed scheme of the London County Council, it is monstrously unfair I should not be able to ask my friends to contribute to make that improvement when I have been contributing to theirs.

2499. Quite so. Then, however practicable and however workable it might be, you would still consider it unfair, because you have subscribed for your friends' benefit?—It is an attempt on the part of someone to get something from someone else who has it.

Lord *Farrer.*

2500. He has not got it; you are going to get it?—No.

Lord *Belper.*

2501. It must be got from somebody who has got it, under any circumstances?—It will be got from London generally.

Chairman.

2502. London generally has been contributing hitherto?—I speak as a ratepayer, and I have paid large rates for 35 years, and I think it would be monstrously unfair, not that I have any property likely to be benefited, but, if I had, it would be unfair that I should have to pay for that when I have been contributing to all my neighbours' improvements in London for the last 30 years.

Earl of *Onslow.*

2503. As regards this particular scheme of betterment proposed by the London County Council it has been said that the president of the Surveyors' Institute, which you are a member of, has declared this to be the least fair, or rather the most unfair scheme which has been propounded; do you agree with that?—No, I think the Strand was the most unfair. I do not quite agree with that. I think the principle is unfair.

Chairman.

2504. You have given us evidence which we had not heard of before. We were not aware, till you stated it, that in the Strand case the area was an area which was all to be fixed with an improvement rate. That was denied by Mr. Harrison, but you say you heard it proved in the Committee Room that that was to be so?—I did not say that the whole of the Strand was within the area, but the marked area was all to be dealt with, unquestionably, as the improvement area, and that was the area submitted for betterment.

Lord *Farrer.*

2505. As an improvement area undoubtedly, but was it the fact that in the last Bill the Council introduced every house in that area was to be charged with an improvement charge, or was it the case that that was an area in which those houses shown to be improved were to be charged?—I do not understand. I do not know that there was more than one Bill.

Chairman.

2506. In the evidence given by Mr. Harrison my impression is that Mr. Harrison was mistaken, and it is not a fact that it was only to be such houses as were proved to be improved, but that the original proposition before the House of Commons was in plain terms that the area marked was all to be subject to a betterment rate?—The evidence will speak for itself.

2507. It seemed to me to be a matter of such importance that it ought to be settled by looking at the evidence itself, and I have asked that the evidence before the Committee should be brought before us?—There is another point on the question of time. In all these places there has been a time set apart during which the London County Council may charge betterment, and the maximum of time has been seven years. I want to point out the effect of that upon property. I, as an experienced man, say that the effect of that would be a total cessation of the market in respect of these properties, through which this new street or

Chairman—continued.

betterment scheme, or improvement scheme, might pass. Anyone contemplating the purchase of a property has generally got a good deal of choice in London, and the least thing that prejudices the property as an investment will turn him in another direction. For investments I am satisfied that no man would purchase property during the time that that betterment scheme hung over it, because it would be impossible for him to determine what would be charged or what expenses he would have to bear, and in my judgment it would be a total block to the market during the whole of the time that that scheme hung over the property, and that, I think, is a very unfair thing. There has never been any provision that the London County Council shall pay any sort of damages to any owner who has had such a plan hanging over his head, nor that they will pay for any worsement, or anything of that sort. It has always been betterment, and that, I am satisfied in my own mind, would be a very great injury to owners of property through which this scheme might pass.

Marquess of *Salisbury.*

2508. You would not wish the assessment of betterment, if it is to be assessed at all, to be made before the improvement was completed?—The difficulty, of course, of that is this. I say it ought not to be made till long after, or if it were admitted at all, till the improvement has actually taken effect.

2509. That, on the other hand, would have a deleterious effect on the property?—I think it would be most deleterious in any case, and I have found out now that the effect of the operations of the London County Council has already had a very damaging influence and a very damaging effect on the sale of London properties. People are constantly saying to me: "I do not know what is going to be done next, we are never safe," and this is one of those things that renders them more apprehensive than anything else.

Lord *Zouche.*

2510. Would not there be a certain amount of uncertainty in the same way with reference to a man's rateable value being put up?—No; because if the rateable value increases, his property increases in value, and if he is rated beyond its value he has got an appeal. Here there is no appeal.

Earl of *Onslow.*

2511. There appears to me to be a choice of evils on this question. Either the value of the improvement must be speculative if you make the award immediately the improvement is carried out, or if you do not the charge will hang for an indefinite period over the head of the owner?—Yes.

2512. Which of the two do you think is the least?—I cannot tell. I think they are both very bad.

2513. You do not think it is better to wait a few years and have the value of the improvement clearly ascertained rather than that it should

Earl of *Onslow*—continued.

should be hanging over the owner?—I think with a rich owner who could afford to wait the time it is better for him to wait; but unfortunately we have so many people who are obliged to sell their property, and to whom even a year is of very great moment, and to those people I think it would be fatal to have this scheme hanging over their heads for a long period.

Earl *Cowper.*

2514. Do I understand your argument is against the principle of betterment altogether, or do you think there could be some remedy for that?—It is impossible, I think, to remedy such a rotten bad thing.

Lord *Belper.*

2515. If you wait till it can be absolutely proved that the improved value has taken place surely then there is no uncertainty which would have an adverse effect on a sale of property, because the people who are thinking of buying it would know it was going to be increased in value to double the amount of the betterment they would have to pay?—If they knew that, it would be all right.

2516. Take the case of your waiting till it is absolutely ascertained that such an increased value has accrued. Then the purchaser, at all events, would know that the payments would not be made unless the increased value to a larger extent had been attained by the property, would not he?—If you could assume such a case it would be so, but I cannot quite assume that.

Lord *Farrer.*

2517. I rather gather from your evidence, altogether, that you do not think, even if this were passed, the London County Council would make much out of it?—I think they would fritter away, as they generally do, a very large proportion of it in costs and expenses.

2518. They would not substantially relieve the rates?—No, they would ruin half the people through whose properties this improvement passed, and fritter away a great deal of the ratepayers' money in costs and expenses.

2519. Leave aside the question of ruining the persons through whose property it passed and come to my question. Do you think they would get enough out of any system of betterment that has been proposed to effectually relieve the general rate?—I have already said no, my Lord, and what they did get they would fritter away. I cannot help saying that. Every case that they had before the tribunal would cost them a very large sum of money. In the Tower Bridge case they were only going to get 300*l.* a year, and they have already spent 10,000*l.*

The Witness is directed to withdraw.

Ordered,—That this Committee be adjourned to Thursday next, at Twelve o'clock.

Die Jovis, 14° *Junii*, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Marquess of SALISBURY.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord KENRY (*Earl of Dunraven and Mount Earl.*).
Lord EGERTON.
Lord HALSBURY.
Lord THRING.
Lord FARRER.

LORD HALSBURY, IN THE CHAIR.

MR. ARTHUR A. BAUMANN is called in; and Examined, as follows:

Chairman.

2520. I BELIEVE you were a Member of the other House of Parliament from 1885 to 1892?—I was.

2521. I think you sat on the Select Committee on the Strand Improvement Bill in 1890?—I did.

2522. And on the Select Committee of the London County Council General Powers Bill 1892?—Yes.

2523. Both of those Bills contained a Betterment Clause, did they not?—Yes.

2524. You appeared, I think, before a Committee of the House of Commons, and before a Committee of this House, as counsel for Petitioners against the London Improvements Bill last year?—Yes.

2525. Did you also appear as counsel in the Tower Bridge Bill?—Yes, I appeared this year in that Bill.

2526. I think you are the author of two works on betterment?—That is so.

2527. I may gather then that you have given considerable attention to the subject?—I have.

2528. Will you tell us the result of your views?—I think the principle of betterment, as described by its promoters, is unjust and oppressive; and I think it is unworkable in practice. I think it is unjust and oppressive, because it seems to me to have all the worst vices with which any system of taxation is obnoxious; it is uncertain, it is arbitrary, and it is unequal. It must be so, because it is a charge or tax which has no relation to the cost of the improvement on the one hand, or to the value of the property on which it is levied, on the other. In fact it must depend entirely upon the fallible calculation of an individual. Of course I am perfectly aware that the opinion of an expert must be the basis of a market transaction, and that surveyors and valuers value property for purchase every day. But a market transaction is one thing, and a system of taxation is another. The opinion of an expert must necessarily be the basis of a market deal.

Chairman—continued.

Marquess of *Salisbury.*

2529. When you say that may I interrupt you for a moment to ask whether it would not be more accurate to say the opinion of two experts or more?—Yes.

2530. It does not necessarily fall on one man in a market deal, nor does it often so fall?—Not necessarily. If I am going to buy a house, or a horse, or a piece of land, unless I am either an expert myself or a fool, I will be guided in my purchase by the opinion of someone who has studied the subject, and if I and my advisers make a mistake in that market transaction it can be recovered. If I buy an unsound horse I may resell it, or if I buy stocks or shares which fall I can get rid of them at a sacrifice; but to make an expert opinion the basis of a market deal and to make it the basis of a perpetual impost seem to me to be two very different things.

Chairman.

2531. I am not quite certain that I follow your reasoning there. You can get rid of the property that is so taxed, can you not, just as you can get rid of the unsound horse?—Yes, you may get rid of the property but you get rid of it with the charge attending it.

2532. That is the unsoundness, so to speak, which makes it fetch less in the market, just as the unsoundness of the horse makes the horse fetch less in the market?—Yes, but what I mean is that the mistake in the market calculation is very much more easily and more quickly recovered than the mistake in the laying of a perpetual charge upon property.

2533. That is another matter?—Then I say betterment is unworkable in practice; by which I mean, not that it cannot be applied, but that it will

Chairman—continued.

will not succeed in the object with which it is applied, namely, getting a substantial contribution towards the improvement. I say, judging from the plans that have been produced to Parliament, that betterment is ridiculously unremunerative. In the case of the Tower Bridge Bill the cost of the improvement is over 400,000*l.*, and the estimated amount of betterment is something which must be well under 9,000*l.* The surveyor to the London County Council estimated the total enhancement of value to the 43 scheduled properties at 17,980*l.*, and half of that, which is under 9,000*l.*, would be the betterment charge. Indeed, it would be considerably less than that, because in that 8,000*l.* and odd is included the property of Messrs. Slee's Vinegar Works, with regard to which it was agreed that the betterment charge should be deferred until the expiry of the lease. So that if you deduct Messrs. Slee's works (and the value of Messrs. Slee's property was something like a third of the total property in the district, that we had from the rateable value), the amount of betterment must be reduced to something like 6,000*l.*

2534. I think you must not take it that that was agreed: I think what was suggested was (I am expressing no opinion upon it myself) that if the property was very considerably enhanced in value, the probability would be that the reversioner and the leaseholder would together combine and alter the character of the property so as to render it possible to have an earlier application of the betterment principle?—Yes; but in default of that being done, I understood the promoters to say that they thought it would be equitable that the charge should be deferred.

2535. Quite so; in default of that being done that was so?—I mean it is possible that the amount of 9,000*l.* might be considerably reduced by the fact of the charge being deferred as regards Messrs. Slee's works.

2536. Quite so; I only wanted you to bear in mind that it was put as an alternative case, and you must not deal with it as if the charge was deferred necessarily until the expiration of the lease?—Even taking it at the outside sum of 9,000*l.* and 270*l.* a year, may I remind your Lordships what it is necessary to do in order to get that sum. There must first of all be a Private Bill; there must then be a preliminary valuation of the property at the expense of the public authority; there must then be a provisional assessment by the officers of the public authority; and there must finally be the arbitration, which, supposing all the owners, lessees, and occupiers appeared, would mean something like 42 or 43 cases of arbitration. To go through all that elaborate machinery to recover a sum of 9,000*l.* appears to me to be a most extraordinary proceeding, from a financial point of view.

Marquess of *Salisbury.*

2537. Perhaps there was an object beyond the immediate financial point of view?—I have no doubt of that, my Lord. As a matter of principle I admit that when a man's property is specially and particularly benefited by public expenditure it ought to specially contribute to the cost; but I submit that a man's property now makes that contribution under the existing law of rating. There is a general idea, I find, that the valuation of a man's property is quinquennial, but, according to the Metropolis Valuation Act of 1869, a man's property is or may be re-valued every year.

Marquess of *Salisbury*—continued.

Chairman.

2538. That is the law all over the country, subject to the Metropolitan Quinquennial Valuation Act, which is an exception introduced for the sake of the Metropolis?—Yes; but in the Metropolis Valuation Act of 1869, Section 47 provides that "If in the course of any year the value of any hereditament is increased by the addition thereto or erection thereon of any building, or is from any cause increased or reduced in value, the following provisions shall have effect," and then follow the provisions for making supplemental valuation lists which come into effect at the beginning of the year after the year in which they are made.

2539. The quinquennial Act contemplated that there should be no general revaluation of property included in the quinquennial valuation during the interval of the five years, except where that very thing which you referred to had happened, namely, that there had been an alteration in the character of the property, and then it provides for that in the section you have read?—Quite so. Some of the witnesses for the promoters have stated that the arbitrator or the County Council valuer in making his valuation is to deduct the amount of the rates, and only to levy the betterment charge upon the net enhancement of value; but when Mr. Harrison gave evidence before the House of Commons Committee I put it to him in cross-examination that enhancement in value and increased rateable value were the same, but he denied that they had any connection whatever with one another.

2540. Is there not a little fallacy in assuming that those words applied to two different subject matters mean the same thing. The "rateable value" is to be ascertained by what a tenant from year to year with the ordinary deductions and charges would give for the property, treating it as a tenement held from year to year. The "enhanced value" of the property is used, as I understand it, to indicate the increase in what I may call the permanent value of the property. That is a totally different thing from rateable value?—That may be so.

2541. You must not use the terms as if they mean necessarily the same thing?—Quite so. But I submit that if in the opinion of the promoters "enhanced value" has no connection with "increased rateable value" the arbitrator would neglect the assessment of the property in making his valuation of the increased capital value, and there is nothing in the section to direct him to levy the betterment charge upon the net value; and when I proposed an amendment in Committee to the effect that he should first of all deduct the rates, the promoters by their Counsel opposed that amendment.

2542. I rather

Chairman—continued.

2542. I rather think the witnesses before this Committee signified their assent to the propriety of the arbitrator receiving such directions?—Yes; but I must observe that I have been much struck by the difference in the attitude of the officers of the County Council in explaining general principles in this room, and in resisting particular amendments in another. As a matter of fact, when I proposed the amendment they resisted it. I proposed after the words "upon one half of the amount of the alleged increase in value aforesaid," to insert "after deducting all annual rates, taxes, assessments, and impositions on the lands according to such increased value," and the County Council resisted that amendment. It seems to me that as the increased capital or selling value (which is the amount on which the betterment charge is to be levied) is only the capitalisation of the increased annual value, to make a man pay higher rates on his increased annual value and then to lay the betterment charge upon the capitalisation of that increased annual value is to tax him twice over for the same thing; and, as a matter of fact, if applied to the particular case of the Bermondsey improvement, the result would be that instead of a man paying half the betterment, he would pay something like 70 per cent. of his increase in value.

2543. Will you expound that a little; I do not quite follow it?—Would your Lordship allow me to take the illustration which was taken by Mr. Charless Harrison and Mr. Cripps, of a man who has a house in a back street which acquires a frontage on a wide thoroughfare and thereby the letting or annual value is increased by 100*l.* a year; if the increased letting value is 100*l.* a year, the increased rateable value will be 92*l.* a year. The rates in Bermondsey are 7*s.* 6*d.* in the £, and therefore the occupier of that house will have to pay ninety-two seven-and-sixpences more than he did before, or 34*l.* 10*s.* a year in increased rates. That is 34½ per cent. of his additional 100*l.* a year gone. Then there comes the betterment charge. They take the 100*l.* a year and capitalise it at 25 years. I put 25 years, because as I understand the charge is to be laid upon the freehold interest; and I understand (although I am not a valuer), that 25 years is about the average number of years' purchase. They capitalise the 50*l.* a year at 25 years, which gives the sum of 1,250*l.*, and 3 per cent. upon that is 37*l.* 10*s.*, and 37*l.* 10*s.* added to the 34*l.* 10*s.* is equal to 72*l.*; and according to my calculation that seems to me to be the amount that would be got out of the owner between the parish and the County Council. According to my opinion that seems an excessive contribution to demand from the owner of the property towards the costs of the improvement. I can see myself no reason why such a principle as this once sanctioned by the Legislature should be confined to street improvements. Indeed it has already been proposed by a leading metropolitan journal to levy a betterment charge upon the merchants of Manchester to contribute to the cost of the Manchester Ship Canal, and upon the logic of the principle the argument is irresistible. The ratepayers of Manchester have contributed one third of the cost of the Manchester Ship Canal, and if the Manchester Ship Canal benefits anybody especially it would be the importers and exporters of Manchester; therefore, why not ask the merchants of Manchester to contribute towards the cost of the canal by means of a betterment charge? I see no reason why the principle should be confined to urban authorities, and why it should not be used by county councils in the rural districts. In America, of course, it is so used, and produces very unjust results.

Chairman—continued.

Marquess of *Salisbury.*

2544. Have you seen anything yourself of the working of the American clause?—No, I am bound to admit that my knowledge of betterment in America is derived from books and also from communications which have been made to me from American lawyers. It is therefore, of course, second hand, though not more second-hand, perhaps, than the evidence that Mr. Charles Harrison gave about the working of betterment in America. I do not know whether your Lordships consider that information which reaches one in that way is worth repeating.

2545. If there is anything that you yourself think would be worth stating to the Committee, I think we should like to hear it?—When I was opposing the Bill of 1892 in the House of Commons, I received a communication from Mr. F. J. Stimson, a very well-known Boston lawyer. He gave me an example of the way in which betterment has worked in the country districts of America, which I thought was striking, and which I repeated in my place in the House of Commons, and it has not been contradicted. Mr. Stimson had a client with property in the country. One winter, when employment was slack, there was a town meeting, at which a resolution was carried, as Mr. Stimson says, by a majority of German and Irish labourers, to make a road through his client's property. The road was made; his client was assessed for damage and for benefit; the balance of benefit was 1,500 dollars, and that gentleman had to pay his betterment of 1,500 dollars for having his estate ruined, because, after the road had been made through the property, as a residential property it was unsaleable.

Lord *Farrer.*

2546. Did you get the particulars of how that was assessed?—No, I did not. The communication was in a letter from Mr. Stimson; I give it only for what it is worth.

Lord *Thring.*

2547. Why was the property unsaleable?—I imagine the selling or letting value of a residential property with a roadway right through the grounds is considerably damaged.

2548. Then, of course, the result of that shows that the assessment was wrong, that was all. There was no real advantage?—Quite so.

2549. Supposing the property was rendered by the road three times as valuable, what would you have said then; would you say it was just

Lord *Thring*—continued.

or unjust that he should contribute something?—If the case had occurred in this country ——

2550. Do not take this country; I ask in America, in the very case you put, if instead of the property becoming unsaleable (which showed that the assessment was unjust or wrong), the property had become three times as valuable, would you consider that decision under the American law was just or unjust?—I should have considered it unjust, because according to my views every individual is entitled to all the benefits and advantage of living under a civilised government, and the making of new roads and streets is one of the functions of a civilised local government.

2551. You consider it would have been unjust because the government was a civilised government?—I object to what is called betterment *in limine* altogether, because, as I say, I consider that everybody is entitled to reap all the benefits and advantages that come from the action of the government, to whose costs he contributes in rates and taxes.

2552. I understood you to say a short time ago you thought it quite just that a man should have his assessment to the rates increased if he was benefited?—I do.

2553. Is not that a payment to the community?—It is a payment to the community, but I do not object to the payment to the community. All I object to is attempting to measure the quantum of the benefit which an individual gets.

2554. You said you objected in principle. I am not talking of the difficulty of carrying it into effect, but what is the difference in principle whether you charge a man specially, or whether you put him under a rate to the community; it is really a charge or rate to the community?—The difference seems to me to be that in one case he contributes under a recognised system in proportion to the value of his property equally with his neighbours.

2555. Granted; but you objected, as I understood, to the principle that a man should pay more, because his property was improved?—I ought to say more than he would pay under the general system of taxation in the country. I object to his being selected for individual taxation.

Lord *Zouche.*

2556. You object to a man having to pay an extra tax over and above what he would have to pay as an ordinary citizen?—Yes.

2557. In fact you object to his having to pay twice over?—Yes.

Lord *Thring.*

2558. You do not object to the principle of his having to pay, but you object to his being doubly taxed?—Yes.

2559. That is not an objection to the principle, is it?—I think it is.

Lord *Farrer.*

2560. Take the case Lord Thring put, of a man's land being turned into building land and made three times as valuable as before, would you object to the state or Government indemnifying themselves by recoupment, that is, by purchasing his land?—No.

2561. Would you object to their having the right to purchase that land at the value at which it stood before the improvement?—Certainly not. That is the principle upon which land is now purchased for public improvements.

2562. Would you say if they purchased it for the purpose of recoupment they ought to pay a price founded upon what the value was going to be after the improvement?—No; the property must be valued *rebus sic stantibus.*

2563. In that case the public would take from the man the whole benefit of the improvement?—Yes.

2564. You would not object to that?—Not in the least, because they also take the risk of loss.

Lord *Thring.*

2565. You made a startling statement at the beginning of your evidence; as I understood you, you said that all taxation founded upon the opinion of experts was unjust?—I should consider that a perpetual tax founded upon the calculation of an expert as to market value is unjust.

2566. Is not probate duty always founded upon the opinion of an expert: How else is it fixed?—That is not a perpetual charge upon a man's land or property, is it?

2567. It is not a perpetual charge; but how does the principle differ whether you make a man pay a large sum at once, or whether you make him pay an annuity. They are the same things, are they not?—I am not concerned to defend the death duties. I think that may be one of the objections to them.

2568. You think it is unjust, because it is settled by an expert?—I think it is liable to injustice on that ground.

2569. Then take the case of rates; you object to all local taxation, I suppose, on that principle?—Not at all.

2570. Because every single assessment of rate is founded upon the opinion of experts?—Surely the question of the annual value of a house is a question of fact which is very easily ascertained. You have only to go and ask what rent a man pays; or, if the house is empty, you have only to go next door and ask.

2571. If you say that surely you are very little acquainted with the rating law; for I know of nothing so difficult, or which has given rise to more questions in the Courts than this question of assessment, notably in the Blenheim case, and notably in the case of a college which I know something about, no further away than Egham, the Holloway College?—I do not say there are not difficulties that may arise.

Lord *Farrer.*

2572. Are you aware that ever since the London County Council has been in existence there has been a perpetual discussion between them and all the different assessing bodies as to the principle upon which property should be valued?—Yes.

2573. All

Lord *Thring.*

2573. All that you mean, as I understand, is, that you object to betterment because you think it is more difficult to value than other values; you cannot object to it upon principle?—We seem to be arguing about words, as to what is meant by "principle."

2574. That is exactly what we are arguing, and it seems to me a material argument. It is a material question whether a tax is unjust in principle, or whether it is unjust if it be levied or assessed in a particular manner?—Yes, but I do not think that under the rating law there is any attempt to measure the amount of benefit which an individual derives from any action on the part of a public authority.

2575. Do you really mean to say that in the rating law there is no attempt to measure the benefit which an individual gets?—Yes, from a public improvement.

2576. Then why do they put up a property when the rental increases by reason of a public improvement?—That is not an attempt to measure the amount of benefit. They do not measure the benefit which the individual owner or occupier of a house derives from an improvement.

2577. Assuming we are told to-day that a certain improvement will make my property worth 1,000*l.* a year instead of 100*l.* a year, would not the authorities come and assess me next year on the 1,000*l.* a year and not on the 100*l.* a year?—Yes, I suppose they would.

2578. Is not that because my property has been benefited by the public improvement?—I observe, of course, that we differ *toto cœlo*, but it seems to me that in the case your Lordship puts, you are not selected or picked out as an individual, and told you are to pay in proportion to the quantum of benefit that accrues to you individually; you are subjected to the system to which all your neighbours are subjected.

2579. But was not the evidence of all the witnesses we have had before us, that they had picked particular houses out of particular streets, telling us that this house was increased and this house lowered in respect of a particular improvement; did they not pick out particular houses which they thought had been improved?—I am not acquainted with that evidence.

2580. You have not been here, perhaps?—I have not; but I have read the evidence.

2581. We have had witness after witness, who, in order to prove the difficulty of assessing betterment, as I understood, went through the rate-books in numberless new streets, and selected particular houses, and showed that particular houses in the same street had been either raised or depreciated according to the circumstances of the public improvement. For example, one of the witnesses said that a particular public-house, which was at the corner, and therefore got a great deal more custom, was raised, while another house, next door to that was a shop, and did not get as well off, and, therefore, it was not raised; surely that is the principle of selection according to benefit by public improvement?—I am not aware that this process of raising the assessment has ever a relation to an individual public improvement. It is in relation to the general improvement of the property in the neighbourhood. They do not come to a man and say, here is a new street made; you must pay so much on account of the new street. It is in respect of the general enhancement of the property in the neighbourhood.

Lord *Thring*—continued.

2582. No, it was not the general enhancement that they went upon; the witnesses selected particular houses that were improved, and others that were not improved; however, I will not pursue it further?—What I meant was that the assessment was made upon the general enhancement of property in the neighbourhood.

Chairman.

2583. The Act of Parliament has directed that the assessment shall be upon what a tenant from year to year, subject to certain deductions, might reasonably be expected to give for the property?—Yes.

2584. As the noble Lord says, in each case in applying the rate to a house, the particular circumstances, whatever be the nature of the alteration, whether it be of the particular street or of the neighbourhood, or of the whole City, as the case may be, are to be taken into consideration; but you are pointing out that the particular improvement is one that casts a particular burden on particular houses not in relation to all those circumstances, but because money has been spent in the immediate neighbourhood?—Exactly so,

2585. I think you told Lord Farrer you did not object to recoupment?—On the contrary, I think recoupment is a sound policy. But before I go to recoupment I should like to be allowed to say that special assessment for benefit, that is to say in proportion to the quantum of benefit derived by individual properties, has been tried in this country under various Sewage and Conservancy Acts, and a Committee of your Lordships' House sat in the year 1877 to inquire into the working of those Acts, and your Lordships presented a Report in which the principle of assessing according to the quantum of benefit was condemned. Perhaps you would allow me to read an extract from that Report. In 1877 a Committee of the House of Lords was appointed "to inquire into the operation of the existing status in regard to the formation of and proceedings by Commissioners of Sewers and Conservancy, Drainage, and River Navigation Boards." The Committee was composed of the Duke of Richmond, the Duke of Bedford, the Duke of Northumberland, the Marquess of Salisbury, the Marquess of Ripon, Earl of Sandwich, Earl Cowper, Earl Stanhope, Lord Monson, Lord Vernon, Lord Stewart of Garlies, Lord Meldrum, Lord Ker, Lord Penrhyn, Lord Somerton, and Lord Winmarleigh. In their Report they say, "The principle of rating exclusively according to the benefit received is difficult of application and is frequently found to work unsatisfactorily in practice." "The principle introduced by the Statutes of Henry VIII., and observed ever since of taxation in proportion to the benefit conferred in each particular case by the works of conservancy, appears to work unfairly in some instances and to be incapable of application in others."

 2586. That

Lord *Zouche.*

2586. That hardly applied to street improvements, I suppose?—No, it did not, it applied to drainage and sewerage and river conservancy works.

Chairman.

2587. Which, in their nature, would certainly seem to be rather of a different character from a mere street improvement?—They are different from street improvements.

Lord *Thring.*

2588. It applied, and still applies, in a great many counties to what are called sewer rates in respect of arterial damage. It applies very largely in Somersetshire, for instance?—I daresay.

Earl of *Onslow.*

2589. Would not the benefit in those cases be more readily and easily ascertained than in the case of street improvements?—I should have thought so; but even so I apprehend their Lordships condemned the principle.

Lord *Thring.*

2590. I am afraid you have not informed yourself on the subject, because the truth is the House of Lords had before them the extreme difficulty there has been of levying the sewer rates in some of the counties, where it has been found impossible to ascertain the improvement?—I merely lay before the Committee the report of the Committee of this House. I make no comment upon it.

Lord *Farrer.*

2591. Your objection is not to taking from the owner the quantum of benefit which he gets by the improvement, but to this particular mode of taking it?—No; my objection is, of course, to the mode, but also to the attempt to measure the quantum.

2592. You told me you did not object to taking for the public by recoupment the whole of the increased benefit?—No, I do not object to that; because the public authority which takes the whole of the betterment also takes the risk of loss.

2593. Then your objection is not to taking for the public that amount by which the property has improved, but to taking it in this mode by this form of betterment, because you think it cannot be done with any certainty?—The uncertainty, certainly, is the essence of my objection, and the reason why I advocate recoupment is that you get rid of that element of uncertainty.

2594. Then I am right, am I not, in saying that you do not object to taking for the public the whole of the benefit of the improvement to the land provided you can do it with certainty, giving the owner the value of the land as it stood before. That is what you have said, I think?—Yes; I do not go back from that.

Chairman.

2595. I suppose with regard to that last answer you would say it ought only to be done by the State where it is for the advantage of the State that the thing should be done?—Certainly; I regard that as an exercise of what is called the right of eminent domain.

Lord *Farrer.*

2596. Would you not apply what you have said as to recoupment to the case of a street improvement carried out by the municipal authority?—I do not object to the municipal authority exercising the right of eminent domain.

Chairman.

2597. In using the word "State," I did not mean necessarily the whole empire, but the authority representing the State in each case?—Quite so.

Earl of *Onslow.*

2598. What you object to, as I understand under the betterment scheme, is that the municipal authority takes a moiety of the benefit, and if there is any loss subsequently it falls upon the owners?—That is what I do object to very strongly.

Earl *Cowper.*

2599. If you do not object to recoupment, would not all injustice to the owner under the betterment scheme be obviated by allowing him to sell his property if he demanded it, and obliging the authority to purchase it?—Quite so.

2600. Of course you would also have no objection that he should deduct from the price half of the estimated betterment in order to conform to the spirit of Act, because in that case he could not lose (which is what you want to guard him against) and he might gain; or, in fact, he certainly would gain?—Does your Lordship mean that the authority should deduct it from the price which they pay to the owner?

2601. What I mean is this, that supposing the clause in the Tower Bridge Bill were to become law, after the owner was assessed for the amount of betterment, after the final valuation, after deducting half the betterment, he should be able to force the authority to buy his land at the remainder of the price which would be in excess of that which it was originally valued at before the improvement was begun?—Yes; I think that would be much fairer than the present proposals.

Lord *Zouche.*

2602. Would you say that one of the objections to betterment is that the public authority may charge betterment upon an improvement that they have not paid for at all; they assume that any improvement is entirely owing to this work that has been carried out?—Yes, they do.

2603. Would they always do that, or would they not?—I fancy that the basis of the valuation by the County Council surveyor would be that the enhancement of value was due to the new street.

2604. That

Lord *Zouche*—continued.

2604. That it was entirely owing to that improvement?—I should imagine so.

2605. They would say, "this property is of a higher value than it was before the work was begun"; and the danger is that they would not take into consideration any other circumstances which had increased the value of the property, such as money laid out upon it by the owner. They assume all the increase is owing to the work they have carried out?—Yes, I think that is one of the dangers.

Chairman.

2606. Is that quite so? I thought the reason why they suggested taking only half the increased value was to leave a margin?—The basis being that the increased value was due to the new street.

Lord *Zouche.*

2607. At all events they levy the rate upon a proportion of what they say has been entirely caused by their own work?—Yes.

Lord *Egerton.*

2608. You said something about the Manchester Ship Canal. When an improvement is made in any town is there always a public meeting of ratepayers called together to approve of it as a whole?—Not that I know of.

2609. In the case of the Manchester Ship Canal that course was followed; therefore a town improvement is not quite on all fours with the case of the contribution by the Corporation to the making of the Manchester Ship Canal?—Except that the London County Council is supposed to carry out the wishes of the ratepayers of London.

2610. I ask whether, in order to ascertain if the carrying out of the improvement has the universal assent of the ratepayers in the district, they held any such meeting?—No, I wish they did.

2611. If they did hold any such meeting, and if that improvement was carried unanimously, would that not be rather a justification of the course pursued of charging the improvement upon the whole community?—It would make a difference, certainly.

Earl of *Dunraven.*

2612. Do you know what the law in America is in that respect, as to requiring a petition on the part of the inhabitants?—It differs in every State, so that it is very difficult to say. You have heard the evidence of General Viele; but it is really different in every State of America. I understand in what they call town districts there is a town meeting and a resolution is carried by the majority; so I am informed.

Earl of *Onslow.*

2613. Is there any case you know of in America where the arbitration is conducted by a single individual?—No.

2614. Are there always three commissioners?—Three commissioners of assessment.

2615. By whom are they appointed?—One is appointed by the court, one by the owner interested, and one by the City authority.

Earl of *Onslow*—continued.

2616. Does that obtain in all the States as well as New York?—I cannot say.

2617. Does it obtain in many?—I could not even say that. I only know it obtains in New York.

Chairman.

2618. Is there any other point you wish to bring before the Committee?—With regard to the legislative precedents, of which Mr. Harrison has put in a big book full, I have gone through them, and I am bound to say they appear to me to be merely instances of what we are perfectly familiar with in this country, namely, a special improvement rate which has really nothing whatever to do with betterment. An area may be created *pro hac vice*, and a special improvement rate may be imposed upon the properties according to their value; but that seems to me to be entirely different from betterment. To draw a line, or zone, and to say all properties within that zone are to pay a percentage in the £. on their annual value seems to me to be quite different from betterment. All the examples in this orange book of rates with regard to street improvements are instances of so much in the £. being imposed upon properties within a certain area. The Edinburgh Act of 1829 was mentioned by Mr. Harrison. It is an interesting Act in a way; it comes rather near to the principle of betterment, and I do not know whether it would interest your lordships to hear the words of the Act.

Marquess of *Salisbury.*

2619. Is not that a case of a special rate upon a special marked district?—That is so; but there is a provision in it for levying a rate upon building land that may be brought into the market within a certain number of years. That comes rather near to betterment. I have the Act here; I do not know whether your Lordships would like me to read it.

Chairman.

2620. We have had the Act before us?—Then I need not trouble your Lordship with it.

Lord *Farrer.*

2621. Will you explain how a small improvement rate upon a particular area levied in consequence of a particular improvement differs in principle from betterment?—I think it differs in two ways: in the first place the sum to be raised has relation to the cost of the improvement; and in the second place the amount charged upon the property has relation to its value; it is so much in the £. upon the value of your house. Betterment has no relation to the value of your property. A house of 200*l.* a year may bear twice the betterment charge of a house in the same street of double the value.

2622. Let us take your first point: if I understand it, what you say is this: an improvement is to cost, we will say, 20,000*l.*, and that 20,000*l.* is to be raised by a rate upon all the houses within a certain area?—Yes.

Lord *Farrer*—continued.

2623. That amount of 20,000*l.* has nothing to do with the value of the houses, has it?—No, except that it is apportioned.

2624. It is apportioned according to the value of the houses; that is perfectly true; that sum has to be raised somehow from the houses within that area?—Yes.

2625. It does not depend upon the value of the houses; it depends upon the quantity of the money spent on the improvement?—Yes, but the amount that each house has to contribute depends upon the value of the house.

2626. Then every house within the area has to pay its betterment rate in that case?—Yes.

2627. Therefore in that case it is more stringent than the proposal of the London County Council, which is only to impose the rate upon the houses which are actually improved?—It is more stringent but it is less uncertain. It does not throw upon the Council the duty of picking out the houses which have been improved.

2628. It is much easier for the London County Council to do that than what they propose in the way of betterment?—Yes, and in my judgment it is a juster thing.

2629. You think it would be juster where an area is improved that the authority should have the rate placed upon every house than that they should ask an arbitrator to decide whether the particular house has been improved or not?—I think so, decidedly.

2630. You would not object to betterment in the form of an improvement rate?—Not at all; we are quite familiar with that.

Lord *Thring.*

2631. You think it is more just that a man who has obtained no benefit from the improvement should pay than that he should not?—I do not think that at all.

2632. Take a case that has been put before us again and again of an improvement in a particular area where the houses in a back street have not benefited at all while those in a front street have benefited a great deal; do you think it just that the houses in the back street should pay the same as the houses in the front street?—As I have said before, to my mind the danger of selecting individuals for special taxation is so great that I prefer that a man should be taxed even where no attempt is made to prove he was benefited.

2633. You prefer that the man should pay although he certainly is not benefited, rather than that he should stand the chance of not paying; that is what it amounts to, is it not?—I do not think I can admit that.

2634. You prefer certain injustice to uncertain justice?—No, I say that certainty is one of the essential elements of any system of taxation; certainty, equality, and uniformity.

Chairman.

2635. I suppose in all improvement rates sanctioned by Parliament the assumption of Parliament is that the whole area is improved (whether it is a true assumption or not I do not say), and, if the whole area is improved, each person living in it has his improvement pro rata out of it?—That is so.

Chairman—continued.

Earl *Cowper.*

2636. The additional money levied by the increase of the rates in that way would not be so very heavy a tax as is imposed by betterment under the proposed scheme?—So far as I can make out, under a betterment clause, the betterment charge might in certain cases be more than the cost of the street. It has no relation to the cost of the street.

2637. One objection you have to the betterment scheme as set forth in the Bill is the enormous amount of it, taking half the increased value, which no rating would do?—Yes; I think it takes too large a proportion, and it is uncertain and arbitrary.

Earl of *Onslow.*

2638. Was your objection to betterment lessened by the mode in which it was proposed to be applied in the case of the Cromwell-road bridge?—I was on that Committee and I do not think that plan was so objectionable as the present one.

Marquess of *Salisbury.*

2639. There, instead of taking a circular district they took a quadrant, did they not?—Yes; but the point was that the cost was divided into thirds—a third was paid by the metropolis, a third by the parish, and a third was to be contributed by the owners within the district. Then I think that betterment should be accompanied by worsement. It is conceded that it is impossible to strike a new thoroughfare through a city without injuring contiguous properties, and I think that if a man can prove damage he ought to be able to claim compensation against the public authority.

Chairman.

2640. Do you mean that he ought to be able to claim it absolutely, or that if there is a betterment charge there ought to be a worsement charge also?—Yes, I think there should be in the latter case, certainly.

2641. You do not mean that the law ought to be altered so that a man should have a right now without betterment to claim compensation against a public authority for worsement?—I am not sure that I should not be in favour of that. I agree with the view Lord Westbury took of the words "injuriously affected," namely, that anybody who had been injuriously affected in the popular sense of the term ought to have a ground for compensation.

2642. However that may be, what I want to know was whether your answer was unqualified, that worsement ought to be a charge against the public authority wherever there was injury, or whether you were only dealing with it as one of the proper conditions of betterment if betterment was enacted?—I think under any circumstances worsement ought to be an enforceable claim against the public authority that does the injury.

2643. Would

Earl of *Onslow.*

2643. Would the distance that the property was situated from the public work at all affect your view?—No, I think not. I think it is a mere question of the man's proving his damage; he must prove damage.

Marquess of *Salisbury.*

2644. Would you give worsement in such a case as that which has been before the Committee, the case of Broad-street as against New Oxford-street, where the making of New Oxford-street made Broad-street a deserted thoroughfare; do you think Broad-street should have had worsement?—Yes, I think so.

Lord *Farrer.*

2645. Would not your objection of uncertainty apply to worsement almost as much, if not as much, as to betterment?—Your Lordship means improving the claims.

2646. Yes; would there not be as much uncertainty in the claim of worsement on the part of the individual as in the claim of betterment on the part of the municipality?—The man would have to prove his damage before a legal tribunal.

2647. Just as a municipality has to prove its betterment before a legal tribunal?—Yes, but how does it prove it, and what is the tribunal? A single arbitrator, from whom there is no appeal.

Earl of *Onslow.*

2648. As the law now stands, without betterment do you think that worsement should be enforced, or do you think that worsement should only be a condition of betterment?—I think it ought to be a condition of betterment certainly, but as I said in answer to the noble Lord in the chair, I think whenever a man can prove he has been damaged by the action of the public authority he ought to be entitled to claim compensation.

Chairman.

2649. I do not wish to take you into any legal technicalities, but as to that proposition I must point out that has reference to *injuria.* I suppose you would not say that if a man's view was cut off there ought to be compensation paid him?—I agree with what Lord Westbury said.

2650. But what he said was in regard to a particular character of injury. I do not think Lord Westbury's language was intended to convey that every man whose view was cut off or whose windmill did not receive as much wind as before was entitled to be compensated?—He said that the Legislature meant the words "injuriously affected" to be taken in their popular and not in their technical sense. I think you will find those words in his judgment.

2651. That is quite true, because the whole of the decision under the Lands Clauses Act depended upon the word "*injuria*" involving a legal wrong?—Yes; but Lord Westbury dissented.

Chairman—continued.

2652. I am aware of that; but I think you are carrying what he dissented about a little wider than what he would have done?—I did not mean to put it higher than Lord Westbury did.

Lord *Thring.*

2653. Take a very common case; supposing I live in a square and a new road is opened, and omnibuses come down by the side of the square where they never came before; as everybody knows a succession of omnibuses not only is very disagreeable but diminishes the value of one's house: in that case would you give me compensation, because in the popular sense of the words, and in the sense Lord Westbury suggested, it is certainly a great injury?—Of course the injury must be an injury to your property.

2654. That is the same question over again, is it not?—It must not be a personal injury.

2655. But it is an injury to my property in the case I put. I assume I am living in a square, and a new road at some little distance is opened, the effect of which a new road is to divert through my square a line of omnibuses which hitherto ran a quarter of a mile off, and that the consequence is (as everybody knows it would be) to diminish the value of my house; would you give me compensation there?—I do not think I would, because I do not think you could convince any tribunal that you were seriously injured by the passage of the omnibuses in front of the house.

Chairman.

2656. So far as comfort was concerned, I suppose dust and noise and a particular class of vehicle always going past the door might be an injury in the wide popular sense in which you are using the word?—It is a question of injury to the property.

Marquess of *Salisbury.*

2657. Or take the case of heavy market carts at five o'clock in the morning passing under your window when you are asleep?—Yes.

Lord *Thring.*

2658. I think I should have no difficulty in proving injury in the case I put. If I did prove it would you or would you not give me compensation?—If you proved that it really injured the value of your house I think I would.

Chairman.

2659. Is it necessary for you to give the exact form of injury that you refer to. I take it you speak generally rather than attempting to insist upon the particular form of injury in each particular house?—Quite so. There is the difficulty arising from the user of the improvements.

2660. There again we are getting into technicalities by the use of words which have received construction under the Lands Clauses Act?—Yes; but if the London County Council are going to alter the general law by betterment I

Chairman—continued.

do not see why it should not be altered to protect the public.

2661. You do not suggest, I presume, an alteration of the Lands Clauses Act at present, except in that particular to which you have referred where Lord Westbury differed from the rest of the court?—No. May I now turn to the question of recoupment.

2662. Will you please do so?—I think that recoupment, if it is honestly and intelligently carried out, would be the best way of executing public improvements, and would be very profitable to the community. I think that with recoupment they would very often make their streets for nearly nothing. Mr. Fletcher Moulton, whose evidence I heard, stated that one of the reasons why recoupment was a failure, was because you had to purchase trade interests, and he said that the purchase of trade interests was a dead loss to the public authority. It seems to me that is obviously not so; because while you purchase or may purchase whole trade interests, you at the same time purchase the potentialities of creating new and more valuable trade interests upon the same spot. I can give your Lordships a very good instance of that which I take from the report of Lord Herschell's Commission upon the Metropolitan Board of Works. At page 13 of the Report the Commissioners give what I think is a very good instance of a new and more valuable trade interest being sold upon the very spot where an old trade interest was extinguished. "In 1874 Mr. Thomas Legge became the tenant of the 'Yorkshire Grey,' a public-house which had been acquired by the Board for the purpose of the Theobald's-road improvements. During the time that Mr. Legge occupied the 'Yorkshire Grey' as tenant, he made R." (that was the valuer of the Metropolitan Board of Works) "presents amounting to about 40*l.*, as he states 'for his introduction.' At the end of 1877 Legge was desirous of becoming the purchaser of the site on which, when the improvement was carried out, a new house could be erected. He told R. that he should be prepared to give a fair sum for it, who replied that if he liked to submit a price it should be put before the Board. Legge accordingly offered 2,500*l.*, which was accepted. When he applied for the site, R. said that 2,000*l.* would have to be given to somebody, to which Legge replied, 'Very well. If I can get the license for the new site I can afford to give it. If I do not get the license, then I shall not be able to give anything.' The license was afterwards granted, and the 2,000*l.* was paid according to Legge to a nominee of —" an official of the Metropolitan Board of Works. The Commission say on this transaction, I think very truly, that "It is obvious in these transactions with Legge and Gannaway the Board was distinctly defrauded. If it was worth Legge's while to pay G. or R. 2,000*l.* for the license, that sum, if they had done their duty, could and ought to have been secured for the Board." I think that is an instance of the Metropolitan Board of Works acquiring an old public-house, and then being able to re-sell the new site; the man who bought it could not only afford to pay 2,500*l.* for the site, but could afford to give a bribe of 2,000*l.* to an officer of the Board to get him the site.

Chairman—continued.

Marquess of *Salisbury.*

2663. Do you know how the man who gave the bribe flourished afterwards?—I do not know.

2664. I mean, can you tell us anything to show whether he was justified in his anticipation that he could afford to give so much for the site?—I do not know anything about his subsequent history.

Chairman.

2665. Though the circumstances are rather complex, it comes to this, does it not; that this business was worth 4,500*l.*, or that the man thought it was worth 4,500*l.*?—Yes. But that is an instance of the Board extinguishing the old trade interest and creating a new one. And there is also this observation which must be made, though I am afraid it leads on to technicalities again. When a public authority acquires trade premises, as your Lordship well knows, it does not in every case purchase the goodwill, it may do so in the case of public-house property, but it does not in the case of all trade premises purchase the goodwill. All they are bound to do is to compensate the man for the diminution in the value of his goodwill if they turn him out of the neighbourhood.

2666. Is not that rather a question of words than substance; because, when you get before the compensation jury and prove to the compensation jury that for a certain number of years a business has been carried on there which is worth three or four years' valuation of the goodwill, the compensation jury are pretty sure to give you that amount, are they not?—Yes, but the point is this: If you carry out your recoupment intelligently, as I would say, and instead of making the whole of the new street at one time, make it gradually, you do not drive the trade interests out of the neighbourhood if you can supply the man whose property you take with other equally convenient premises.

2667. No doubt; it is one of the familiar questions which you put to yourself; is not there a house next door equally convenient where you can move your things to?—Quite so. I say the public authority is not bound in all cases to buy the goodwill of a business, and if they carry out the recoupment by degrees and make the new street by degrees, as the Duke of Westminster does in Mayfair, there is no reason why compensation for trade interests should be such an excessive item.

Lord *Farrer.*

2668. Do you put that case you have read as as an illustration, or as stating what was the common practice of the Metropolitan Board of Works?—I ask the question because I gather from your book that you say recoupment failed, because the Metropolitan Board of Works or their officers dealt corruptly. Do you mean to make that as a general statement?—I should tell

Chairman—continued.

tell you that it has been distinctly denied here?—I have read the evidence, and as I understand, your Lordship asked Mr. Charles Harrison whether it was true, and Mr. Charles Harrison said in reply that it was "an idle suggestion and imputation." That is a very severe censure, of which I should feel the full weight, if, happily for me, it did not alight upon a much more august head than mine, namely, the Lord Chancellor's, because these "idle imputations" are the judicial findings of the Royal Commission which sat upon the Metropolitan Board of Works.

2669. I should like to point out to you that the statement of particular cases of malversation made in the Report of Lord Herschell's Committee is a different thing from a general statement that recoupment has failed in all cases, or in most cases, because of malversation on the part of the Metropolitan Board of Works or the London County Council?—I quite agree.

2670. I wish to know which of the two statements you are making?—I quite agree with the distinction which your Lordship points out; but if your Lordship will allow me, I will read another passage from the report which shows that there was a regular system of jobbery and corruption with regard to the purchase of trade interests and in other matters. On page 12 of the Report, paragraph 27, the Commissioners report: "A more definite arrangement was entered into with another firm, Messrs. Fleuret and Son, who made valuations in connection with public-house property which was taken by the Board. They first began to do work for the Board about the year 1873, and it was then agreed that they should allow G" (who was an official of the Board) "one-third of the Commission they received. This Commission was fixed upon a certain scale, proportioned to the amount at which the compensation was settled, whether it was assessed by arbitrators or a jury, or was arrived at, as was not unfrequently the case, by agreement between the Board and the claimant. The terms of the settlement undoubtedly rested very much with G, who was the chief valuer to the Board, and on whose experience and advice reliance was naturally placed. It will be observed that whilst his duty was to stand out for the best terms that he could make for the Board, and to reduce the amount of compensation to the lowest possible figure, his interest lay in exactly the opposite direction."

Lord *Farrer*.

2671. I do not for a moment dispute any of those statements, but what I wanted to understand was whether you found upon this statement a general allegation that recoupment in the hands of the Metropolitan Board, or the London County Council, has failed on account of malversation on the part of the Board or the Council, or their officers?—I say nothing about the London County Council.

2672. But the London County Council have given us distinct evidence to the effect that recoupment has failed, for what reason is another question. You say, if I understand you, in your book, that recoupment has failed on account of

Lord *Farrer*—continued.

malversation. Do you abide by that statement?—Malversation on the part of the Metropolitan Board of Works.

2673. Do you make that as a general statement with regard to all the cases in which recoupment failed; or do you confine it to the particular cases mentioned in the Report of Lord Herschell's Commission?—I confine myself to the findings of the Royal Commission; I do not go beyond that.

2674. You have gone a great deal beyond that in your book?—I confine myself to the findings of Lord Herschell's Commission.

Marquess of *Salisbury*.

2675. Is there not a strong presumption with regard to things that have not been examined to be derived from knowledge that has been obtained with regard to things that have been examined?—I think so, my Lord.

Lord *Farrer*.

2676. As I understand you have gone far beyond the Report of the Commission, you are casting an imputation upon the Metropolitan Board of Works and upon the London County Council?—Not upon the London County Council.

2677. The London County Council have told us that recoupment has failed; the allegation is now that that is on account of malversation, as I understand?—Not on the part of the London County Council.

2678. You do not say anything on the part of the London County Council?—Absolutely nothing.

2679. Only on the part of the Metropolitan Board of Works?—Quite so.

2680. And only in regard to those particular cases referred to in the Report. Can you tell me how many those cases represent out of the whole number of cases where recoupment failed?—If your Lordship likes I can read the Report of the Commission.

Chairman.

2681. Will you kindly tell me the passage in your book where the observation occurs to which the noble Lord refers; I had not noticed it?—The passage dealing with this question may be said to begin at page 93.

Lord *Farrer*.

2682. Let me put it in another way; Are you prepared now to say that if there had not been malversation the probability is that recoupment would have succeeded?—Certainly.

Earl of *Dunraven*.

2683. You have already told us in evidence the two conditions under which you think recoupment would succeed, namely, that it should be honestly and intelligently carried out?—Quite so; and I should say in answer to Lord Farrer, my opinion is that if recoupment had been carried out by the Metropolitan Board of Works with ordinary honesty and intelligence, it would

Earl of *Dunraven*—continued.

have been very profitable; and I found that statement upon the judicial findings of the Royal Commission on the Metropolitan Board of Works, which proved gross and systematic corruption and jobbery in regard to several very large metropolitan improvements. I would submit that I am justified in drawing from that the inference that recoupment would have succeeded if it had been honestly and intelligently carried out.

Chairman.

2684. I observe in the passage you have read from the Report of Lord Herschell's Commission, if I heard it rightly, it was not a particular example that was given, but it related to a particular officer whose ordinary practice was to take corrupt commissions?—Quite so; it was a system.

2684*. I think Lord Farrer rather assumed it was one or two cases. But if I rightly heard what you read, I do not think it was that; it was rather a question of one particular officer upon whom the Board generally relied whose habitual course was to take these commissions?—That is so; it was the system.

Lord *Farrer.*

2685. I think the real fact was that the superior officer of the Metropolitan Board of Works had become infirm and his business had been committed to an underpaid officer. The Board had not the courage to dismiss the old officer and appoint a new one, but left the business in the hands of this incompetent man who did commit various acts of malversation. I think if we were to ask for Lord Herschell's impression we should find that he had no impression to the effect that the Metropolitan Board of Works or their officers had been generally corrupt, with the exception of these cases of this particular officer, which would not by any means cover all the cases in which recoupment was in question. I am anxious that it should not be misunderstood that the question of recoupment and the profitable character of recoupment depends upon that point of malversation; there are a great many other elements?—The opinion I ventured to express was that if recoupment had been carried out by the Metropolitan Board of Works with ordinary honesty and intelligence it would have been profitable.

Earl of *Onslow.*

2686. Are you aware of any cases of recoupment that have been tried by the London County Council?—No, I am not. I did not know they had ever applied it.

Chairman.

2687. Mr. Charles Harrison in giving his evidence was founding his opinion upon the experience of the Metropolitan Board of Works, as I understand, not upon their own experience?—I do not know that the London County Council have ever applied it.

Lord *Farrer.*

2688. To go to quite another point: in the case of recoupment the public body in general has to take possession of the property?—Yes.

2689. They have very often, at all events, (you say not always) to disturb that possession?—Yes.

2690. It may be that the property becomes more valuable when used for another purpose?—Yes.

2691. But if the immediate user is disturbed is there not to that extent a waste of property which prevents the recoupment being as profitable as it otherwise would be?—I suppose that is a deduction from the recoupment.

2692. Is not that one of the chief reasons, or alleged to be one of the chief reasons, why recoupment has not been profitable?—So far as I have heard and read the evidence of the witnesses on the other side it is based almost entirely upon this point of compensation for trade interests.

2693. That is the same thing, is it not, in another form?—What I wanted to bring out was that where you extinguish old trade interests you get a new one which is more valuable.

2694. You have to deduct the value of the old one from the new one before you find what the improvement really is?—Granted.

2695. Therefore there is a certain waste of improvement of this kind?—I suppose so.

2696. That waste has to be deducted from any improvement whether in the form of betterment or in the form of recoupment?—No doubt.

2697. If any means could be devised by which the existing user could be preserved, recoupment would be more profitable?—There is no necessity why the existing interests should be extinguished that I know of.

2698. Let me put this case as an illustration; perhaps you would say that the County Council must take the consequences. The London County Council have refused to apply for the renewal of the licence of a public house which they have taken, upon temperance grounds, because they thought there were too many public houses, and they thought it for the benefit of the public that there should not be so many; in that case they have had to pay compensation for the licence and the loss of the licence?—Yes, they have had to pay for their views upon the temperance question.

2699. I only put it as an illustration of the way in which trade interests may be disturbed, not as giving an opinion upon the conduct of the Council?—Yes. There was another instance with regard to Northumberland-avenue at the site of the Colonial Institute, where a man made one hundred per cent. profit and put it into his own pocket, a profit that ought to have gone into the coffers of the Metropolitan Board of Works.

Marquess of *Salisbury.*

2700. Is that in evidence?—I will read it, if you will allow me, from the Report of the Commission.

2701. I think it is interesting?—If one goes on piling up these instances as having happened in connection with great improvements like Shaftesbury-

Marquess of *Salisbury*—continued.

Shaftesbury-avenue and Northumberland-avenue it does amount to something.

Lord *Farrer.*

2702. In Northumberland-avenue the recoupment succeeded on the whole, did it not?—Yes, it was made at a profit of 170,000*l.*, but they ought to have made a much larger profit if it had been properly carried out. At paragraph 40 of the Report of the Commission your Lordships will find the passage I refer to: "R.'s connection with Mr. H.," I will call him, "was also of a very profitable description. The latter became the lessee of the site on which the building of the Colonial Institute now stands, and granted to that body a lease at a very large advance upon the rental which he agreed to pay to the Board. He was afterwards desirous of becoming the owner of the freehold, so that he might be in a better position to deal with those who were complaining that their ancient lights were being interfered with. Accordingly, in March 1884, he asked to be allowed to purchase it within two years at 25 years' purchase. Mr. Vulliamy reported that the Board had granted the option of securing the freehold at 25 years' purchase to other tenants, and would, no doubt, have granted the same privilege to H. if he had stipulated for it in making his tender. Notwithstanding this report, the Board, on the 19th of May 1884, refused to entertain the proposal. On the 26th of May the matter again came before the Board, or rather the Works Committee. A motion was made that Phillips should be allowed to have the land at 26 years' purchase. To this an amendment was moved that the Board was not prepared to sell the freehold. The amendment was lost, as was also another, that he should be allowed to have the land at 27 years' purchase. But a further amendment that he be allowed to have it at 25 years' purchase was carried by 13 to 8. H. states that before he received any official notification of this result he met R. in Spring Gardens, who told him that the Board had consented to take 25 years' purchase, whereupon he said 'Twenty-five! I am delighted to hear it, and I shall certainly make you a present if it goes through.' On the same day, in July 1885, that the purchase was finally completed, and payment made to the Board, he fulfilled his promise by presenting R. with 350*l.*" Then, the Commission say, "H. certainly had every reason to be delighted. The site which he obtained from the Board at 560*l.* a year he had very shortly afterwards let at a rental of 1,090*l.*, and whilst he obtained the freehold at 25 years' purchase of the lower, he succeeded in selling it in the following year at 28 years' purchase of the higher rental."

Marquess of *Salisbury.*

2703. He got it very cheap?—He got it very cheap. He made a very handsome profit on that transaction, which I submit ought to have gone into the pockets of the Metropolitan Board of Works.

Lord *Farrer.*

2704. If they had been properly served?—Yes, they were robbed by their servant. Therefore when it is said that recoupment has been a failure, if you take the Shaftesbury Avenue Improvement, where the Commissioners reported that 20,000*l.* more ought to have been obtained for the Pavilion site than was obtained; if you add the cases together of Northumberland-avenue, Shaftesbury-avenue, and the Grays Inn-road improvement, you show a system of robbery, and you show a system of "intercepting of profits" (which is what Mr. Harrison wants to do now), which ought to have gone into the pockets of the Metropolitan Board of Works; and therefore, as I say, the past experience of recoupment is worth very little, or rather it is worth a good deal, as showing how large a profit is to be got.

2705. It would probably be desirable to have from the London County Council something more in detail about the various improvements, because my impression is they would not in the least agree with you as to the general effect of the corruption you refer to upon recoupment. Do you know anything about recoupment in other boroughs?—No, I cannot say that I do.

2706. Has there not been a successful instance in Birmingham?—I do not know.

2707. I ask these questions with no wish to depreciate recoupment, which is obviously a very desirable form of getting the benefit for the public if it is possible; I am putting the question seriously and not as a matter of controversy; I only want to have the recoupment question fairly stated?—I assure your Lordship I am most serious in everything I say, and I do not say it for the purpose of raking up accusations against a body that has ceased to exist; I refer to it as a matter of record and a matter affecting the controversy. We put before the Committee of the House of Commons on the Tower Bridge Bill a table showing the result of recoupment as applied to 38 improvements that have been carried out in London since 1856, and showing by what amount the gross cost of those improvements have been reduced by the sale of surplus land. The County Council took four out of the 38 improvements, and showed, to the satisfaction of some, no doubt, that recoupment had not been profitable. We put in this table which gives figures which I should like your Lordships to see (*handing in the same*).

Chairman.

2708. I observe there are certain figures here under various headings, "Amount paid for compensation," "Value of surplus land," "Net cost of property," and so on. Where did you get these figures from?—Those tables were supplied to me by my client last year. We put them in before the Committee of the House of Commons last year and this year.

2709. Have they been challenged at all?—No, they have not been challenged.

Marquess of *Salisbury.*

2710. I presume your clients put them in and vouched for them themselves, or through the witnesses who were examined?—That is so.

Lord *Farrer.*

2711. Have you considered at all in what way you would apply the principle of recoupment? Would you allow the County Council, for instance, to draw an area, and say, "we will take everything within that area at its present value without reference to the improvement, or any value that might arise from the improvement"?—Yes; they would have to come before Parliament with a scheme of that kind.

2712. Taking a certain area in the neighbourhood of the improvement?—Yes.

2713. We have had a great deal of evidence from surveyors and others against the principle of betterment to the effect that the improvement does not increase the value of houses in the immediate neighbourhood of the improvement. That tells against recoupment as well as against betterment, does it not?—It does; but then I say the public authority must take that risk, they must take the chance of profit and the risk of loss.

Lord *Thring.*

2714. I should like to ask you this question: as I understand it, in the recoupment clauses which have hitherto been proposed, the public authority has had the right to select the houses within a certain area, and to reject others. In your view of recoupment, as I understand it, would you think it just that that the Bill should schedule a certain area; would you think it just that the municipal authority should be obliged to take the whole of the area; or would you think it just that the municipal authority might schedule the whole of the area to be taken, and select this or that place afterwards as they thought right for the purpose of the improvement?—My view would be that they ought to have discretionary powers as to whether they buy or not. I only insist that if they deal with the property at all they must purchase it.

2715. You would allow them to select within a given area any place they like, or reject it?—Yes, I think so.

2716. With respect to the area, you would make them schedule the area in the Bill; you would not allow them to take a roving power?—No; I should make them schedule the area in the Bill, and then allow them to exercise their discretion.

2717. It would be what has been called here an "area of inclusion"; that is to say, they might take no house beyond the area, but might reject any house within the area?—Quite so.

Earl of *Onslow.*

2718. Every owner of a house within the area would receive a notice and be allowed to appear before the Parliamentary Committee?—Yes.

Lord *Farrer.*

2719. With regard to the compensation to be paid, I think you said it should be based upon the value before the improvement, not after?—Before the improvement, distinctly.

Chairman.

2720. That is the course which is now pursued with regard to compensation which is assessed under the Lands Clauses Act. You are never entitled to get the additional value the land will receive from the making of the railway; it is only the value of the land as it stands before the railway is made?—Yes.

Lord *Thring.*

2721. What do you say with regard to the 10 per cent. for compulsory purchase which it is the practice to give under the Lands Clauses Act; would you say they should give an additional per cent. for the compulsory purchase?—I am in favour of their continuing to give the 10 per cent.

Marquess of *Salisbury.*

2722. Does not the ten per cent. to a certain extent represent expenses of various kinds attaching to the vendor, which it is not possible to enumerate?—I submit it does.

Earl of *Onslow.*

2723. If a man sells his property he must re-invest the proceeds of that sale, and that involves certain costs and charges which the 10 per cent. may be supposed to cover?—Quite so.

Chairman.

2724. That may be perfectly just, but you would not be able to find, would you, within the four corners of the statute any authority for granting that 10 per cent?—I am quite aware of that, my Lord.

2725. Is there anything else you wish to add?—The other points with which I wanted to deal were points in the Bill itself. I do not know whether your Lordships would wish me to refer to those points now; I am afraid it might take perhaps a question of an hour or more.

2726. Then we will adjourn now and resume your evidence later?—If your Lordship pleases.

(After a short adjournment.)

Mr. WALTER EMDEN is called in; and Examined, as follows:

Chairman.

2727. I THINK you are a member of the County Council for the Strand Division, are not you?—I am.

2728. And that district had been affected or sought to be affected by two schemes of betterment by the London County Council?—It has.

Chairman—continued.

2729. You have been in practice as an architect, I believe, for some years?—For 25 years.

2730. And

Chairman—continued.

2730. And you are a member of the Parliamentary Committee dealing with the street improvements?—On the Strand Board of Works, I am a member of the Improvement Committee.

2731. I do not know whether you could give us your own view of what betterment, as insisted on, consists in?—I can. I consider the principle is a good one; that is to say, that if there is a bettered value to property brought about by the expenditure of public rates, the authority have a right on behalf of the public to receive back that bettered value. But I am also of opinion, and I think it is incontrovertible, that if it were to be given back by assessment of betterment, such as suggested by the London County Council, it would mean, not only an injustice to those who were scheduled as bettered, but it would also mean that the value would really not go back to the public. It would be frittered away, and expended in cost and evidence, and there would be really nothing left for the public at all. I consider, first, that to take a valuation of the whole of the property would also hang up a man's property with a value attached to it which would utterly prevent him being able to sell or deal with his property, and which would more or less prevent him from ever getting the natural improved value which comes to property in the ordinary way. It would be fixed with a certain value, and he would, therefore, when the time came that it was to be bettered, even if there were an option given that the property should be bought, be excluded from showing that the neighbourhood of itself had improved from natural causes, and that he was, therefore, entitled to his share in the ordinary and regular improvement there might be in his property.

Earl of *Onslow.*

2732. You mean the value put on it by the arbitrator would be taken to be the value of the whole property?—The value, I take it, of the whole property. In seven years' time they might take the property. In seven years' time the property might naturally have improved to a considerable amount.

2733. The value is clearly directed only to take into consideration the improvement by reason of the public work?—Yes; but the system which is laid down seems to be, first of all, making a valuation of the property. That is made at the beginning. The property need not be taken till seven years after that, and then the assessment is made at any period within the seven years of the bettered value. Therefore, supposing an option was given to the Council by which they could purchase, and they elected to purchase to a great extent, the owner would be precluded from taking any advantage of the betterment that would have come naturally in the ordinary course of improvement to property.

Chairman.

2734. Are you right about that. Is it not assumed that the only betterment that the arbitrator is to make the charge upon, is a better-

Chairman—continued.

ment attributable to the public improvement?—Yes, that would be so where they were not purchasing the property; but if they were purchasing the property, that is say, if the owner could sell his property, or had to sell it, he would not get anything taken into account for its naturally improved value during the period it had been hung up. The whole case seems in my opinion to be met by a system of recoupment, and a system of recoupment which should vary very considerably from anything that at present can be accomplished by recoupment. At present the local authorities can only acquire the actual portion of land they want for the improvement. They are obliged to give a right of pre-emption, or there is a right of pre-emption, to the owners to come back on the remaining portion. Practically they would therefore get no bettered value out of the property.

2735. I do not follow that. At present each of these improvements requires a special Act of Parliament?—Not cases of local improvement. Under Michael Angelo Taylor's Act we can, as a local body, make improvements.

2736. I agree, but there you no doubt have been always confined to the site of the particular thing you want to erect?—Yes. Then in the case of the larger improvements which cover the metropolitan area, the difficulty is that no power is given, except to purchase right out all the interests that there are in the property.

2737. When you say no power is given, you mean only that it has not been the practice of Parliament to give it?—It has not been the practice of Parliament to give such a power.

2738. There is no reason why it should not give it?—I think if it did give it it would meet the whole difficulty. It is not only the question of the property which is pulled down for a street improvement, but the remaining property may be increased in value. Take a case like that of Shaftesbury-avenue, where there was the other side of the street which could have been purchased. Had they had power also to purchase the other side of the street, which under their present scheme they would say was bettered, and should be charged with the betterment rate, they would then have obtained a very large amount of recoupment, but if they had been saddled with the necessity of purchasing all the intermediate interests of leaseholders and trade interests, then, under those circumstances, it would become so costly to purchase the property that there would have been scarcely any recoupment. If they were allowed to let the various interests run out, the tenants and occupiers would be in no worse position than they would be under an ordinary landlord, inasmuch as when their lease determined they would be able to negociate for a new lease. The ordinary landlord would, no doubt, ask them for the value of the property as it was when they required their new lease, and the County Council would do the same. The County Council would then get all the bettered value there would be in the property, instead of part of it, and would save all the tremendous amount of costs which must be paid in settling all the various interests there are even in one small piece of property in a large city like London. I would also like to point out

Chairman—continued.

that I do not believe there would be an amount of loss to the rates generally in dealing with a large amount of property such as this, because the Council being able, or any public body being able, to borrow its money at a very low rate of interest would naturally be able to purchase property at such prices as would leave a margin between the rate of interest they paid and the rental which they obtained from their investment. I think I am safe in saying that there would be at least 1 per cent. difference in the value of property and the rate at which the Council could borrow its money. The Council, I think I am right in saying, borrows its money at somewhere between 2¾ and 3 per cent., and I think the vast amount of property that would be purchased could be purchased to pay about 4 per cent. or more.

Lord *Tweedmouth.*

2739. Your proposal is that the local bodies should take advantage of their public position to become great speculators in land for the public benefit?—No. I would prevent that by having all property scheduled as in the case of a railway. When they were applying for their Act they would schedule all property they said would be bettered. Then the various owners would have the opportunity of appearing and preventing their property being taken, or stating their cases, and if Parliament granted an area of property which they considered would be bettered I think that they could protect it from any such course as that of reckless or large speculation.

2740. I understand you to suggest that the scheduling would be on a much larger scale than it would be under the betterment proposal?—No. I think the present case hardly represents what could or would be done under a system of betterment. It merely represents a case of three or four properties practically bettered, whereas in their former schemes it has been a larger area. I take it that if they had to deal with that area before Parliament, they would utterly fail to show that that area was bettered. It would then be reduced down to these properties which they could show by evidence could or probably might be bettered, and that the area would be reduced so as to be comparatively of very small dimensions.

2741. Yours would be much larger?—No. What I have stated is what I think would happen under my suggestion. I am strongly of opinion that any system of betterment would have to be of a very limited extent. It would only be the frontage houses fronting on a new street that ever would be said to any extent to be bettered, and I am afraid in many of the cases the cost of proving the betterment and the cost of defending themselves on the other side by the owners would be so enormous and great, and that when an assessment was made, say of 500*l.* or 600*l.* on the property, or even 1,000*l.*, the probability is that under the valuation and the assessment the whole of that would be more or less eaten up, and if half had only to be charged the whole of it would be eaten up. There is also at present a very great deal of trouble which

Lord *Tweedmouth*—continued.

happens in districts from the fact that property becomes deteriorated when the improvement is being carried out. In the case of Rosebery-avenue large quantities of property were pulled down and the property that remained more or less for the time being was almost unletable. People's businesses were greatly reduced because the public who usually went to them were taken out of the district by the quantities of property taken down, and I think that that speaks very strongly against improvements being made in a piecemeal form. I think it is necessary when an improvement is decided upon that the improvement should be carried out with all speed. The general loss when it is carried out in a slow manner is always a great one.

Chairman.

2742. Would you define the word "improvement" there. The work executed is one thing, but the pulling down of property is another, is it not?—Yes, but I think as a rule public bodies take a certain amount of time under the Act they get, and then, as a rule, they make application after application and get further extensions of time. I think that that more or less greatly deteriorates the property, because you have a large mass of property taken down, and there is no doubt a man then does considerably less business. I had a case with which I had to deal of Deacon's Music Hall, and in that case there is no doubt that the taking down of large quantities of property actually did this man a great injury in his business. His business became not worth more than two-thirds of what it had been before, and naturally when the valuer comes, the valuation is taken on the last three years of a man's business, and the valuation was taken on the three years during which he had been doing this bad business, consequent on the district having been so pulled about.

Earl of *Onslow.*

2743. That seems to be rather in opposition to a great deal of evidence that has been given before the Committte, in which it has been suggested that if you do an improvement piecemeal instead of doing it quickly, or at once, that the trade interests which are disturbed would have time to remove into the immediate neighbourhood, and would not suffer the loss they do by all being cleared out at once. That is not your opinion apparently?—That is not my opinion.

Marquess of *Salisbury.*

2744. Do I understand you that the value of a man's occupation is measured by what it is after it has begun to be deteriorated by the work, and not by what it was before the work began?—Yes. Evidence is given as to what the actual business has been during the past three years, and if that happens to have been during the time the improvement has been in operation it is given just the same.

Chairman.

2745. Are you sure that is done. I am not aware of any legal decision that that is the proper

Chairman—continued.

proper course to pursue?—I do not take it that that is a legal decision.

2746. I should have thought it would be proper to argue before an arbitrator or a compensation jury that you must not judge by my business as it has been for the last three years, but must consider the fact that it has been deteriorating all that time, and take three years before that?—That is done by the owner, but at the same time the accounts which are taken by the authority taking the property are accounts based on the last three years of his business, and those accounts are put forward and naturally have a great deal of weight on the minds of the jury.

2747. That is where I cannot follow you. I should have thought that would have borne no weight if that observation was made in reply that you are not taking fair years but only the years during which you yourselves have injured the property?—My experience is that it does make a considerable difference.

Marquess of *Salisbury*.

2748. Is it in your experience that an arbitrator has ever refused to refer to the earlier condition of the property?—No; he will take any evidence given as to value.

2749. It is merely your conjecture; he does not give consideration to it?—I am taking it more before a jury than an arbitrator. Before an arbitrator I do not think it matters so much; but I think before a jury it has more effect.

2750. Will a jury not recognise the fact that property has been deteriorated by the works?—In many cases I find they do not, that they settle their figures, as a rule, on the three years before, or three or four years before.

Lord *Farrer*.

2751. As I understand, what you would wish to do would be to leave the Council, or whatever the municipal authority might be as landlords, that they should purchase the freehold and leave the present occupants alone, unless they wanted to pull down the house, till their time runs out?—Yes.

2752. That would be your view?—Yes.

2753. Would there be any inconvenience in the London County Council being landlords in that sense?—They are landlords at the present moment. They are owners of a large amount of property. I am on the particular Committee which deals with that, the Corporate Property Committee, and we have a very large schedule of property which belongs to the London County Council.

2754. You do not think it would be an additional real inconvenience their being landlords to a greater extent?—I do not think so in that respect. I suppose Parliament would, as it has done in other cases, make it necessary for them to sell within a certain number of years the freehold property. Those are questions of policy which I am not prepared to give evidence upon, but I think that the evils that might arise and which could be protected by Parliament, would be very much less than the evils of a system of betterment such as is proposed.

Lord *Farrer*—continued.

2755. You do not apprehend any evil from their becoming the managers of a larger amount of property?—That is a question on which I should not like to give an absolute opinion. I do not think at the present moment that any evil has arisen, excepting perhaps in some few cases where the principle is stretched, that they will not sell a small piece of freehold to a church or some other institution where a very small freehold happens to touch on their property and it is desirable it should be taken. Then the principle is brought forward by the Council that they will not sell any of their freehold property. I think in that respect it may, but it has been to such a small extent that I do not think it has done any great injustice.

2756. I should like to put to you the case, not of a short occupation, but take the case of a tradesman having a lease, say, for 20, 30 or 40 years. In that case the trademan's occupation approaches to ownership?—So it does.

2757. During that period it would be he and not the freeholder who would reap the advantage supposing there were any from the improvement. Should you object to an additional charge being put on him in respect of that?—No, I don't think he should. I take it where the lease was a very long one and the time had come that the street was so developed that the property became of more value, then the Council should have the power to purchase it. I do not say that the Council should only have power to purchase the freehold, but it should have power to purchase the freehold, or any other interest it might think it was to the benefit of the public it should purchase.

2758. You would allow them to come and say: we choose to purchase such and such interests, and other interests we will allow to run out?—To run out.

2759. Supposing they purchased it, would they be bound in that case to put an end to the lease and turn the man out?—No; I take it if they purchased the freehold the man's lease would go on in exactly the same way. He would have to pay towards the improvement, no doubt, because if the property became bettered in that street his assessment to local and general rates would go up, and he would consequently, during his occupation, pay during his occupation a contribution towards it, though perhaps not so much as if the property were developed to the full extent.

2760. Would you leave it open to them to say to him: "now we have the power to buy you up, but if you choose to pay us a somewhat larger rent we will not buy you up, but will leave you alone." I am taking the case of a leaseholder or tradesman in occupation?—I do not think it would be fair if these matters are to be dealt with as a question of recoupment to fetter the Council in dealing with any interest they thought might be bettered or purchased, or both if they could obtain an increased rent. I should leave them to try to make terms.

2761. Your object is, with which I am entirely in accord, to prevent the waste which arises from a sudden change of occupation and user?—Yes.

2762. In the case of a short interest you would

Lord *Farrer*—continued.

would allow it to run out, and in the case of a long lease you would allow the Council to say to the leaseholder, "if you choose to stay you may do so; we will not disturb your occupation, but as we have the power of buying you at your present value, we say you probably will be improved, and we will allow you to remain at a somewhat higher rent?—Yes, I consider that would be a far more reasonable way of dealing with the matter. It would naturally be extremely difficult to put a hard-and-fast line down on which they should deal with the property. I think for the most part, I am not agreeing with all things that are done by public bodies, if public bodies are honestly administered, and I think that they would not take advantage of cases of that kind. They may in questions of policy go a good deal wrong, and may greatly injure people by the line they take as to not selling any freehold land, or questions of that description; but I think in cases of this kind they would act fairly and honestly.

2763. Like reasonable landlords?—I think they would. My general knowledge is that they do desire to do that as a body.

2764. One of the advantages, as we have been told, of betterment as compared with recoupment is that the betterment leaves people alone and consequently does not cause the waste which is caused when the municipality has to turn them out. You think that that question may be met by a different arrangement in case of their becoming purchasers themselves?—Yes. I consider that really all the betterment value would be frittered away in costs for the most part; if you spread the cost of an improvement over a large area it is a question of mere pence in the pound. If you take it as betterment on certain individuals, there is no doubt you may—with costs and making the man fight the case, and he must produce first-class evidence, because the Council, being a powerful body, can always produce first-class evidence—half ruin the man and practically make his property of much less value than it really costs him.

2765. Although they can produce first-class evidence it is not generally the case, is it, that the individual suffers in the case of property taken from him by a municipality. In general he gets full compensation, does not he?—I do not think so in all cases. I think that it might have been so in the old days when railway companies paid liberally, but I think now that in dealing with property I should rather advise a client, if he could, to remain, than to sell his property to a public body.

Lord *Thring*.

2766. I understand the scheme to be shortly this: the public body is going to make a public improvement. You wish they should provide in an Act of Parliament for getting a particular area and that within that area they are to make these improvements and buy what they do not want for the improvements as and how they like?—They may during a certain period of time purchase the property.

2767. And use it as and how they like?—That

Lord *Thring*—continued.

is a wide term. I would not like to go quite that length, but within the lines I have laid down certainly they should.

2768. Of course, I assume that everybody within the area scheduled would have notice given them and be able to oppose the Bill?—Certainly.

2769. And then I also assume that there would be a limited time within which they must select what houses they would buy and what structures they would buy or not?—Yes.

2770. Then I understand you consider that that would be the fairest plan, both for the owners and for the municipalities, by which the municipal authority could repay itself its expense?—I think they would obtain the whole of the betterment value in the property in that way, and that they would obtain it at far and away less cost than they could possibly obtain it under the present system or any system of betterment.

2771. You think no injustice would be done to the owners because they would be certain of getting full value for any interest they had to sell?—I think so certainly. Then I should like to point out one matter which I think is a serious injustice with regard to the powers they seek in dealing with the case of an improvement like the Tower Bridge. They propose to exclude from the operation of the Act all the pipes of the water companies and the gas companies. For a small improvement like this is no doubt the opposition of powerful bodies like the gas and water companies would have enabled a great deal of evidence and probably strong evidence to be brought forward, and, therefore, from the London County Council's point of view, it was desirable they should avoid bringing themselves into collision with such powerful bodies. No doubt if the gas and water companies got no benefit out of an improvement it would be right, but I take it that the first person who benefits out of property being improved and being of greater value is the water company. Immediately the assessed value of the property goes up a large increase immediately is made in the water rate, and, in fact, the water rate practically depends on the assessment of property. I take it that if you improve property and put large buildings on a site instead of small ones, there is a larger consumption of gas, and I take it, therefore, that two of the first people who would be improved, and improved to a large extent, would be the water and gas companies.

Lord *Farrer*.

2772. The gas companies would be only improved to the extent to which their gas was consumed?—Yes.

2773. But the water companies would have their rates raised by the mere raising of the assessment value of the house?—They would, and I take it under such circumstances they ought not to be left out of the operation of the Act. If it is just to charge the owner, it is just to charge the company which derives benefits from it.

2774. Do

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2774. Do you know whether the charge which this Bill would authorise the County Council to impose would be counted as rates on which the water company might measure its own charge?—No, my Lord, I do not take it in that way. I rather take it upon this line. All property which was improved would let for more rent. In my mind there is no other measure of improvement to it than that more rent is obtained out of it. Immediately more rent is obtained then the water company is entitled to receive a larger amount of water rate.

2775. Are they paid on the rental or on the rateable value?—On the rateable value.

2776. The assessed rateable value would rise directly the rental rose?—Yes, directly the rental rose.

Chairman.

2777. I suppose in respect of the water company, though that is an assessment which goes *pari passu* with the assessment of the house, from the increased value of the house, if it is increased in point of size and extent, it would be supposed to consume more water?—Not necessarily. Take large City houses, business property, they pay on the assessment value for the water and practically do not use as much as would be used in a small private house.

2778. In the City that is quite true, because that is an exceptional case. The large houses in the City are not occupied as dwelling houses at all?—If you take the Strand, which is not occupied as dwelling houses, there anything which can be put down as an improved value and charged as an improved value on the property they would be able to get a larger assessment for, whereas the water used would not be more than is used in a small 50*l.* a-year house.

Marquess of *Salisbury.*

2779. Even if the water consumed was increased, the water company would be deriving a bigger charge and would therefore be better paid?—Yes; but I take it the whole meaning of betterment is that any body or persons, not the owner only, but I conceive any body of persons who may receive a benefit, should pay the betterment charge.

Lord *Farrer.*

2780. Have you paid attention to the past history of these cases in the London County Council?—I have had to follow those of the Strand improvements.

2781. You have not followed the past cases of recoupment. You cannot give us information on what we have been discussing with Mr. Baumann as to the reason why recoupment is said to have failed?—Yes; I had a good deal to do with it. I gave evidence before Lord Herschell's Commission; there were two people practically in the office of the Council, one the head of the land surveying department, and the other the second man in the department. It was through these two men that practically the valuations or the dealing with almost every piece of property went,

Lord *Farrer*—continued.

and it was these two men who were condemned by the Commission.

2782. Have you formed any opinion as to the extent to which their misdoings diminished the sums which the Metropolitan Board of Works would otherwise have received?—Yes; I have, because I look upon it in this way, that wherever an officer in that position is dealing with property, and improperly dealing with property, he is certain not to do his duty with a great deal of property even out of which he does not receive a commission. He cannot press his points home and do his duty for fear that somebody may turn round and accuse him or press him on points he does not want to be pressed upon.

2783. Do you think their misdoings have had a large effect on the sums which the Metropolitan Board of Works received for improvement?—Undoubtedly I do.

2784. For instance, I think, the sum mentioned with reference to Shaftesbury-avenue as the net cost was 86,000*l.* Do you suppose by what the Board lost by the misdoings of their officers amounted to anything like 86,000*l.*?—In the case of Shaftesbury-avenue it might not have amounted to so much. It was the first portion of the Avenue that was practically done under the old Board. The major portion practically, I think, has been done during the time of the County Council, and I do not think anything went wrong during that time. But in the case of Northumberland-avenue I had made to me originally when that Avenue was first carried through, an offer to take a considerable portion of the land at 3*s.* 6*d.* per foot. Its value at the present time, I should say, is very much nearer 1*l.* than 3*s.* 6*d.*

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2785. Was that offer made by the Board of Works?—No, the offer was made by a gentleman who, I believe, more or less at that time, was dealing for the officers of the Board of Works. A man who has since died came to me with an offer that if a syndicate could be formed for the purpose of taking a large section of this property at 3*s.* 6*d.* a foot, a lease could be obtained at that rate, and there is no doubt that that was put about in a number of directions.

Lord *Farrer.*

2786. Do you think anything of that sort was acted upon?—I believe, and I think I may fairly say, that the whole of that land was let at very little more in the very best cases than two-thirds of its value, and in many cases not at half its value.

2787. You think much more might have been made out of that case than was made?—A great deal more.

2788. If it had been well managed?—If it had been well and properly managed, and honestly dealt with, undoubtedly a very vast amount more would have been made out of it, not 170,000*l.*, but I should have put it five or six or 700,000*l.* more.

Marquess of *Salisbury.*

2789. Did the offer made to you carry with it any suggestion that you would have to pay any consideration?—Yes; we were asked to pay the sum of 5,000*l.* in consideration of getting a lease at 3*s.* 6*d.* a foot,

2790. This was by a man whom you have every ground for believing was acting as agent for some of the officers?—He was a man who stated clearly and distinctly that he was acting as agent for somebody else.

2791. I am not saying anything about the present Council, as to which I entirely agree with you that there is not a symptom of anything like misdoing, but do you think, looking to bodies of that sort, that there is no danger of that sort in the future if they become great dealers in land?—I do not think that there ought to be, nor do I think it has often been found that large public bodies have gone so wrong as I think the Metropolitan Board of Works did, but there must be a danger, and I must acknowledge it.

Chairman.

2792. You mean two officers of the Metropolitan Board of Works?—Yes.

2793. You said the Metropolitan Board of Works?—I meant only the two officers.

Marquess of *Salisbury.*

2794. Have you ever heard of the practice of surveyors receiving afterwards anything like an acknowledgment from the person to whom they were opposed?—I should consider it a most improper proceeding.

2795. Naturally; but have you ever heard of its prevailing?—Yes, I have heard of such things being done, and I think it was done in those days.

Chairman.

2796. I do not say it is always yielded to, but is it not somewhat familiarly known that valuers like to get paid and ask to get paid from both sides?—I think I can safely say, so far as I know the profession, that it is not so when the man is of acknowledged position in the profession. I do not say for an instant that men may not do it.

2797. It is not a thing unknown?—Not at all; but I do not think any surveyor of any position would do such a thing.

Lord *Tweedmouth.*

2798. Is not the failure of these instances of recoupment you have given in the past rather an argument in favour of some change of system in the future?—No doubt. I believe that if recoupment had been relieved of the purchase of all the intermediate interests, and it had been allowed to extend itself, not to the property that is to be pulled down only but the property not to be pulled down—the bettered property—and allowed to extend itself to the bettered property and had been dealt with honestly, it would certainly have brought a large sum of money back to the public, and in many cases more than the improvement would have cost.

Lord *Tweedmouth*—continued.

2799. Your evidence certainly goes to show that a very great increased value has arisen out of these works in the past?—In some cases, no doubt, upon the absolute fringe of the street. It does not travel down the side streets. It does not flow over an area, or if it does it takes years; twenty or thirty years will hardly see any great improvement over a fixed area.

2800. Still, if there has been the failure to secure the large amount that ought to have been secured for the public under the old system, it does not seem that there need be any great hardship on owners in the future that they should be dealt with by a system of betterment?—Yes; because I do not think that if a system has acted badly because it was tied up in a way that recoupment has been tied up by dishonesty, and the fact that it was not allowed to go over a sufficient area, it would be fair to do an injustice to an owner of property at the present day.

2801. Is not there much less chance of injustice and fraud under some such system as that proposed now by the London County Council, than under the old system?—Decidedly not. Apart from anything else, if, as his Lordship just said, surveyors were inclined to take fees from both sides, this system would give them two chances of doing it. It would give them a chance of doing it at the time of valuation and at the assessment of betterment. Whatever defect there has been in that direction from recoupment, there is all that defect and the waste of money as well in the suggested system of betterment.

Lord *Farrer.*

2802. Whatever objection there is to better ment on the ground that the neighbouring property would not be improved, applies equally to a system of recoupment. A great many of the objections that have been made here to the assessment of betterment are on the ground that the property would not be improved at all. To whatever extent that was the case those objections would apply equally to recoupment?—Certainly, but the risks and difficulties, and the hanging up of the property would all be within the Council, who would purchase the property. It would not be each separate poor owner who would be left to suffer.

Lord *Tweedmouth.*

2803. Surely there must be less chance of fraud where there is no transfer of property than when there is a transfer?—I do not think the fraud arises where there is a transfer of property. I think the fraud, if there is fraud at all, or an improper dealing with it must arise during the time the solicitors and surveyors are dealing with the property, during the period of valuation, and during the period of assessment. I do not see well how fraud can now arise when the property is in the hands of the Council. They would simply act, and could act as ordinary landlords. There could be no fraud then, but if a man is held for seven years or more under the terrors of this system of betterment there would be plenty of opportunity for blackmailing him.

2804. It

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2804. It would be a matter of great difficulty, would it not, for a man to foretell what advantage would result to any property from an improvement being carried through it?—It would be utterly impossible for any surveyor to tell with any degree of certainty what would happen to a property in seven or 10 years' time.

2804. If the question were asked of a surveyor in regard to which very different opinions might be entertained, and no great certainty could be arrived at, is there not more opportunity for levying blackmail and the committing of fraud in that case than where the inquiry is pretty obvious and the action of the surveyor could be controlled by public knowledge and opinion?—Most decidedly, there is such great danger. It is the great uncertainty which would give probably a great incentive in the first instance, and the great opening afterwards for dealing improperly with the property.

2806. And the great protection, because it would be difficult to say the man had done wrong?—Almost impossible. The opinion would be, and must be, necessarily so varied that you could not check the surveyor at all.

Lord *Farrer.*

2807. If it is so very difficult for a surveyor to tell beforehand what will happen to a property, how are the London County Council or any other municipality to tell what lands they shall take for recoupment?—That applies to them. I have no doubt the same uncertainty is there, but I think that, as they are going to take the land for the benefit of the public and make the improvement, they are the proper people to bear the risk and not the owner.

Lord *Farrer*—continued.

Chairman.

2808. Apart from that consideration, I suppose the persons who have full control of what I will call the neighbourhood would be able the better to arrange their property and consider what would be likely to be an advantage in the way of improvement than a person who had only one house which was being bettered?—No doubt. The general body would come to a better decision as to what was an improvement for the neighbourhood than one individual could.

2809. If they thought proper when they became possessed of it as recoupment owners, as I will call them, they would be able the better to watch the development of traffic and the sort of tenants that would be appropriate to the occasion, and be, therefore, in a better position to make something of their land speculation than anybody else?—Undoubtedly they would be able to deal afterwards with the street created by the improvement in a much larger manner, and in a much more substantial manner than any private owner could possibly deal with it, and a more general re-arrangement of the property would be more advantageous than a re-arrangement in small sections of the property.

The Witness is directed to withdraw.

MR. THEODORE SINGTON is called in; and Examined, as follows:

Chairman.

2810. WHAT is your experience?—I am an architect by profession, and I have prepared some notes to show that the increase in the value of property which was expected to result from public improvements has not taken place, and that during the last 20 years property values have fallen to an extent which could not be foreseen in Manchester.

2811. What district are you speaking of?—Six different improved streets in different parts of Manchester. The first is Deansgate. Deansgate, an important Manchester thoroughfare, was improved and widened to 60 feet about 21 years ago by the corporation, who purchased property on both sides and pulled down the buildings. Many plots of ground are still vacant, and several others have been covered with buildings since 1887, so that a large number have been vacant from 14 to 20 years. I have got here a map showing Deansgate, and I can point out the improvement to your Lordship.

2812. It would be convenient if you would do so?—This is the new street (*shows on the map to the Committee*). Twenty years ago it was very narrow, about 20 feet wide, and it is now increased to 60 feet. The red plots of ground are plots vacant at present and they have been vacant for 20 years. The blue plots have been covered with buildings during the last five or six years, having been vacant for 14 years, more or less. On the 5th April 1887, the Improvement Committee offered these 14 sites I have shown on the map in Deansgate for sale valued at an average of 30*l.* per square yard. The result of the sale was as follows: An offer of 12*l.* per yard was made for one site and another was sold for 20*l.* per square yard. The same year a site at the corner of Mulberry-street—the very centre of Deansgate—was sold for 8,112*l.*, equal to about 18*l.* per square yard, and in 1891 another plot was sold for 12,154*l.*, equal to about 17*l.* per square yard. Those were all valued before 1887 by the corporation at prices ranging from 40*l.* down to 24*l.*

Chairman—continued.

Marquess of *Salisbury.*

2813. Per yard?—Yes, per yard.

2814. They actually realised 17*l.*?—Yes, 17*l.*, 18*l.* and 20*l.* These figures show the heavy fall in land values during the last 20 years in an improved street in the very centre of Manchester below the estimate formed by the corporation when they were carrying out the improvement. That is 22 years ago. If a betterment rate had been levied on property along this portion of Deansgate, after the completion of the improvement, about 1872 or 1873, it would work out as follows: The fourteen sites offered for sale contained

Marquess of *Salisbury*—continued.

tained 5,155 square yards, at 30*l.* per yard; they would be worth 154,650*l.* according to the corporation estimate. In 1887, when the corporation accepted 20*l.* per yard, the total value of this vacant land was reduced to 103,100*l.*, a loss of 51,550*l.*, due to the fact that the rentals which could be obtained in 1887 were much less than the estimate made about 20 years ago. I assume that the value of 30*l.* a yard is double the value of the land before the improvement was made, and therefore half of that would be 77,325*l.* Three per cent. on half that would be 1,159*l.*, the betterment rate which would have been paid on these vacant plots of ground for the last 20 years if these plots had been in private hands. If a betterment rate had then been assessed on the assumption that the land was worth 30*l.* per yard, it would have been levied at the same rate at the present time, although the value of the land had fallen to 20*l.* per yard in 1887, and is less to-day. I have two other instances showing the fall in value of land in Deansgate. One of the plots at the corner of Hardman-street, which was valued by the Improvement Committee at 30*l.* per square yard in 1887, was offered to a client of mine in May 1890 for 20*l.* per yard for shops and offices, and a plot valued by the corporation at 30*l.* in 1887, containing 714 square yards, was sold in 1890 or 1891 for 17*l.* per square yard. On this piece of land a block of shops and offices was erected. With the exception of three shops, the whole building has remained unlet until this spring, when, as the result of a warehouse fire, it has been temporarily occupied. It shows there is no demand for these vacant plots of land, even after a lapse of 20 years since the widening of the street. It follows that if at the completion of the Deansgate improvement 20 years ago the land had remained in private hands, and the corporation had possessed powers to levy a betterment rate, it would have been assessed on an estimated improved value, which it is now known has not been realised, and there would not be any means of obtaining an abatement of the rate. If a property owner had at the time compounded for the rate at 28 or 33 years' purchase, he would now be a heavy loser. He would have paid that capital amount 20 years ago for land that has been lying vacant for 22 years.

2815. The case being that there are such great vicissitudes in the improvement of land that it is impossible to foresee what course it will take?—And because the supply of land is larger than the demand. At the north end of Deansgate there is a most important site, known as Victoria-buildings, triangular on plan, surrounded on all sides by improved streets; scaled from the Ordnance map it has a frontage of nearly 1,000 feet, is 340 feet long, the average width is 130 feet, and the area about 4,900 square yards. It was purchased by the Corporation about 1871. If it had been left in private hands it would have formed a typical area on which to levy a betterment rate. The whole plot was valued in 1873 by the City surveyor at 236,608*l.*, and was sold in 1874 for 270,352*l.* I have the Corporation accounts here and those accounts might be verified if your Lordships desired me to do so.

Chairman.

2816. Are they published accounts by the Corporation?—Yes.

2817. We may treat those as *primâ facie* entitled to credit?—The purchasers erected a large block of shops and offices, and as they were unable to pay the purchase money for the land, the Corporation took possession of the buildings and completed them. In the last published accounts of the Manchester City Council, 1892–3, the property is valued at 482,582*l.*, of which 270,352*l.* would be the land value. Gross rental, including hotel (2,612*l.*), 9,783*l.* 12*s.*, from which must be deducted chief rent 189*l.* 14*s.* 8*d.*, taxes, rates, gas, water, and insurance 908*l.* 12*s.* 9*d*, repairs 843*l.* 18*s.* 6*d.*, total outlay 2,042*l.* Deducting this from the gross rental, the nett rental is 7,741*l.*, which is equal to a return of only 1⅝ per cent. on the estimated value of the land and buildings. I have prepared two valuations which put that in a more intelligible light. A block of shops and offices in Market-street—that is the principal street in Manchester—was publicly sold in February, 1890. The area of the site is 273 square yards. There is no chief or ground rent. The gross rental was 1,650*l.*, and the amount paid for the property was 25,500*l.* The valuation would work out as follows: gross rental, 1,650*l.*, from which I deduct rates on offices paid by landlord, say 100*l.* on rental of 600*l.*; collector, 25*l.*; repairs, 50*l.*; insurance, 12*l.*; empties, 60*l.*; total, equal to 15 per cent., 247*l.*, which leaves a net rental of 1,403*l.* That net rental pays a return of 5½ per cent. on the value of the land and the value of the buildings. I now go to the valuation of the Corporation property, and I will now give you an exactly similar valuation of the Victoria-street buildings. The result is this: The net rental does not pay five per cent. on the buildings, and it does not leave any margin at all for the value of the land. I argue from that, that if the Corporation had put a betterment rate on this property 20 years ago there would be absolutely no margin of rental out of which that betterment rate could be paid, because the rental pays absolutely nothing on the land at all, and not 5 per cent. on the buildings, whilst in Market-street the net rental pays 5½ per cent. on the land and on the buildings, and that is the very best street we have in Manchester. The site, as I have already stated, was valued by the city surveyor at 270,352*l.*, equal to about 54*l.* per square yard. I suggest that if the land had remained in private hands it would have been valued by the corporation at this amount, and that if they had then possessed powers they would have levied a permanent betterment rate based on this valuation. The valuation is as follows: The total value of the property is 482,000*l.* The gross rental is 9,783*l.*, and the net rental 7,841*l.* Five per cent. on the value of the buildings is over 10,000*l.*, so that the net rentals are considerably less, and will not pay 5 per cent. on the value of the buildings, and leave absolutely nothing for the land. If the present net rentals could be doubled, the site would become worth 20*l.* 14*s.* per square yard. In order to make the land value equal to the estimate made in 1873-74, the net rentals would have to be increased from 7,841*l.*

Chairman—continued.

7,841*l.* to 24,129*l.*, that is, more than three-fold. As the rateable value of the township of Manchester is decreasing, there is no likelihood of this happening. I suggest to the Committee that this shows how hazardous it is to value property and to assume that the valuation will hold good in say twenty years. It should be pointed out that the number of shops, offices, and warehouses paying high rentals which can exist in a town is limited; and if street improvements are made providing a mile or more of new frontages or building sites, it is unreasonable to value this additional building land and to assess a betterment rate on the assumption that it can be at once sold for buildings producing high rentals. The land has a latent value, and any betterment rate placed on it ought to be deferred until the increase of the population creates a demand for additional buildings. In the case of Deansgate and of other improvements I shall refer to, the demand for land in 20 years has not overtaken the supply, and in one case, after 40 years, building sites fronting an improvement are still vacant. In proof of this statement it may be pointed out that the net rateable value of the township of Manchester, in which are situated all the warehouses, offices, and the best shops, was 1,503,000*l.* in 1878, and 1,498,000*l.* in 1893—rather less—although in the interval large numbers of new buildings have been erected and important street improvements carried out. I now pass on to another improvement in Salford. About 20 or 22 years ago a new street was formed across a portion of the Borough of Salford.

Marquess of *Salisbury.*

2818. You have said nothing about the bridge, have you?—There was the new Approach-road to Irwell-street Bridge. About 19 years ago the Corporation of the City of Manchester erected a new bridge over the Irwell with a wide approach road cut diagonally across an area covered with small cottages, and purchased in addition to the land actually required for the new approach, property on both sides; the cottages were taken down with the object of selling the sites for an improved class of buildings. They have remained vacant and unsold ever since. Would your Lordship like to look at the map?

Chairman.

2819. Unless there is something peculiar I think you need not pause to point it out, but simply record the facts?—There are eight vacant plots of land fronting the approach road. The total area is 3,800 square yards. The price asked for the land by the Corporation was 8*l.* to 9*l.* per yard. On the 5th of April 1887, after lying vacant many years, the sites were offered for sale by the Improvement Committee, and none were sold. A bid of 4*l.* 15*s.* per square yard was made for one plot, on part of which are five houses, producing an annual rental of 105*l* 12*s.*, and 3*l.* per square yard was offered for two other plots. In 1891, property immediately adjoining was sold at 3*l.* 4*s.* per yard, belonging to a private owner. The rentals in the neighbourhood have not altered since the opening of

Chairman—continued.

the bridge 20 years ago, and the surrounding property still consists of small and old cottages. It follows that although the bridge and its approach are of considerable benefit to the general community they have not had any material influence on the value of adjoining property. If a betterment rate had been levied on the property abutting on the bridge approach road after its completion it would have worked out as follows: The Corporation would have only purchased as much property as was required for the new approach; they would have assumed that the surrounding property would be bettered to the extent of 5*l.* or 6*l.* per yard, and would have levied a betterment rate amounting to more than 285*l.* per annum which would have been paid during the last 18 years out of cottage rents, the net value of which would amount to less than 300*l.* The net value of the cottage rents is 300*l.* and the betterment rate would have amounted to 285*l.* If property owners had pointed out that rents remained unaltered after the opening of the bridge the Improvement Committee would doubtless have replied as Alderman Clay did on the 31st of May, that it was open to them to sell their property for warehouse sites, and that if they retained it, it would be with the object of waiting until a further increase in value could be obtained. It is now known, after a lapse of about 18 years, that there is not any demand for building sites near the bridge approach, and if a betterment rate had been levied on an assumed increased value it would have had to be paid by property owners whose rentals have not improved. As the Corporation during the last 19 years have lost a considerable amount of rental through the pulling down of property they purchased, they must have been advised by their surveyors and valuers that there would be a ready demand for their land, and if a public inquiry had been held before an arbitrator appointed by the Local Government Board to assess a betterment rate they would not have had any difficulty in obtaining professional evidence in support of their views that the property abutting on the new bridge approach had improved in value and ought to pay a betterment rate. Then I have another case of a bridge constructed about 40 years ago, which shows exactly the same result. A very important bridge and thoroughfare were constructed by the Corporation of the City of Manchester about 40 years ago across the River Irk, giving an important suburb (Cheetham Hill) a direct access to the business centre, the Exchange, and the railway stations. The approach was cut through very old property which is at the present time exactly in the same condition it was in when the improvement was made. The through traffic, which is very great, has had no effect at all on the property adjoining the road. No new buildings have been erected along the approach to the bridge. In this case as well as in the others, if a betterment rate had been levied within a few years after the completion of the improvement on an estimated improved value, it would have had to be paid out of rentals which have not improved

Chairman—continued.

proved at all. Then there is another street improvement called the Whitworth Street Improvement. A new street about half a mile in length is now being formed connecting two main thoroughfares (Oxford-street and London-road), about a third of which is completed. In all about a mile of frontages, or building sites, will be available for new buildings. Should they be erected at the same rate as in Deansgate, where the corporation have made every possible effort to sell their land, about three fourths of the sites will be built on at the end of 25 years. Alderman Clay suggested on the 31st May that it would be equitable to levy a betterment rate on old property abutting on the new street, although the rentals remained unaltered, on the ground that the sites would be available for warehouses and could be sold for about 12*l.* per square yard, whereas before the improvement the property was only worth 1*l.* 10*s.* per yard. On the same day this statement was made a large warehouse site in the immediate vicinity (within 500 feet) was offered publicly for sale in Manchester without a single bid being obtained, and as large numbers of other sites in adjoining streets have been on offer for many years at about 5*l.* to 6*l.* per square yard, it is evident there is no great demand. A corner warehouse fronting the new street immediately adjoining the cottages has been repeatedly untenanted during recent years. The betterment rate would work out as follows in the case of an existing row of nine cottages fronting the new street which was mentioned by Alderman Clay. They produce a gross annual rental of 117*l.*, about one-half of which is the net rental received by the landlord. The area is about 500 square yards, the value, should the site be required for a warehouse, is assumed to be 12*l.* per yard, and the value before the new street was formed was 1*l.* 10*s.* per yard. The increased value would therefore be 10*l.* 10*s.*, giving a total increased value of 5,250*l.* The betterment rate of 3 per cent. on one-half would be 78*l.* 15*s.* per annum, considerably more than the net rental received from the cottages. If this property should remain unsold as long as the Corporation sites in Deansgate and along the new bridge approach, the betterment rate would obviously be most unjust, as the owner instead of receiving a revenue from his property, would have to add money to the rentals in order to pay it. Then I have another improvement in Salford, Blackfriars-street. About 20 or 22 years ago, a new street was formed across a portion of the Borough of Salford, to provide more direct communication between the residential suburb of Lower Broughton and the City of Manchester. The line of communication before the improvement was along a street called Greengate. When the new street was completed the through traffic was diverted, and the value of property fronting Greengate was depreciated to the extent of 30 to 40 per cent. As a result, the Town Councillors who represented the Greengate portion of Salford and voted in favour of the new street being formed lost their seats. This is an example of worsement, and I suggest that, as the new street was formed for the convenience of the

Chairman—continued.

public and not for the convenience of the inhabitants living in the immediate neighbourhood, it is not reasonable that they should suffer pecuniary loss. If the public authorities in forming a new street depreciate the value of property by injuring its light, the owner has not any difficulty in obtaining compensation, and depreciation such as in Greengate ought to be made good and charged to the improvement in the same way. I suggest two ways in which this could be done: (1) By means of an inquiry held before an arbitrator appointed by the Local Government Board; (2) At present ratepayers can appeal to the overseers when they consider that they are not equitably rated, and they can appeal from the overseers to the Court of Quarter Sessions and to the higher Courts. In case of worsement I would give property owners a similar right of appeal to the overseers, and from them to the Courts. Compensation would be paid out of the rates, and charged to the improvement which has caused the worsement. With regard to the new street, the result has been the same as in Deansgate. A considerable portion of the land belonging to the Corporation is vacant at present, and several plots have been built on after being vacant 12 to 18 years. The property belonging to private individuals, abutting on the street, consisting mainly of old cottages (with the exception of two or three blocks recently erected), is exactly in the same state it was in before the improvement was made. Then I am desirous of suggesting that a betterment rate should be levied on actually received improved rentals, and should not be levied on property when untenanted, as there cannot be any betterment. When public authorities propose to effect a street improvement, and have reasonable grounds for assuming it will increase the value of property within a certain area (the limits of which might be defined as has been suggested by an arbitrator appointed by the Local Government Board), they should, before the improvement is commenced, advise the overseers or rating authority to note the rentals of all properties within the area which it is assumed will be bettered. After the completion of the improvement a special betterment rate could be levied on property owners by the overseers on any increased rental received by them within the betterment area over and above that received before the improvement was commenced, due allowance being made for all outlay of capital required for the erection or alteration of buildings. This allowance should not be left to the discretion of the overseers or rating authority, but should be determined by the Local Government Board. Property owners can now appear before the Assessment Committee or rating authority when they dissent from their valuations or consider themselves over-rated, and can appeal from them to the Court of Quarter Sessions, the Queen's Bench Division, the Court of Appeal, and to the House of Lords. The same privilege could be extended to the betterment rate if it were assessed and levied by the same authority.

2820. That is a little inaccurate, is it not. You can only appeal where there are questions of law raised?—I have three cases of appeal here. One is an appeal of Owen's College.

Chairman—continued.

2821. Where there is anything illegal in the principle adopted, and the question is reserved for the Court as a question of law, you can no doubt appeal, but on questions of fact you cannot appeal from the Court of Quarter Sessions. That decides the questions of fact absolutely, does it not?—If any one objects to the rating of the overseers, they appear before the overseers. The overseers have valuers, and if you object you can appeal to the Quarter Sessions.

2822. Certainly, but beyond that your proposition was that you could appeal from Quarter Sessions to the Courts, and from the Courts to the House of Lords. I point your attention to this, that that is a little inaccurately stated in its width. It is only upon questions reserved by the Courts of Quarter Sessions, which are not questions of fact, and the Court of Quarter Sessions would have no power to reserve a question of fact for the Court or for the House of Lords, but only questions of laws?—I thought that happened in these cases. I may have misread them.

2823. I am afraid so. There is an appeal to Quarter Sessions. You startle us when you tell us that we are going to have all the questions of fact decided by Quarter Sessions sent up to the Courts and to the House of Lords?—I believe I am right in stating that there is an appeal from the overseers to Quarter Sessions or to a jury and that I would extend to the betterment.

2824. That is quite right?—That would enable property owners to protect themselves should the overseers continue to levy the betterment rate to its full extent after a fall of rents has reduced the improved value of their property. The present overseers' staff and collectors would be available to assess and collect the rate. It would be kept apart from the other rates and placed to the credit of the Improvement Committee. As at present proposed a property improved in value, say, to the extent of 5,000*l.*, would be subject to an annual betterment rate of 75*l.*, equal to three per cent. on 2,500*l.* Assuming an improvement to result in an increased rental of 250*l.* per annum after due allowance has been made for capital laid out, a betterment rate of 6*s.* in the pound would yield the same amount, 75*l.* The rate would be obtained automatically without subjecting either the local authorities or property owners to any cost, and would be more equitable to both than the rate as at present proposed, inasmuch as I suggest that it should be levied annually on the actually received improved rental. Should the improvement exceed the estimate, the local authorities would benefit by the increased amount

Chairman—continued.

of the rate received. If, on the other hand, the estimated improvement should not be realised through the property being partially or entirely unlet, or through the rentals not reaching the anticipated amount, then the betterment rate would not become a permanent burden or hardship, as it would automatically decrease or cease. It is possible that after a lapse of time the rentals of a property on which a betterment rate is being levied might increase owing to causes not due to the improvement, to defray the cost of which the betterment rate is being levied. It must be obvious that it would not be equitable to levy the betterment rate on such an increase, as, should the reverse occur, an unexpected fall in value, the entire loss would fall on the property owners. They would be able, in this case, if the proposed new rate were levied and collected by the present overseers, to appear before them to obtain an abatement, and, if unsuccessful, they, as at present, could appeal from their decision to the Court of Quarter Sessions. There is one other remark I should like to add. When the Manchester Bill went before the Committee of the House of Commons the House of Commons Committee made the following addition: "We also consider that before the alterations are begun, property owners affected shall have power to claim that a valuer be appointed by the Local Government Board, to make an independent valuation at the expense of the Manchester Corporation of such land situated within the limits of deviation as the Manchester Council consider will be subject to betterment, and the Committee are of opinion that the subsequent valuations for betterment should be included in one assessment." To that I should like to suggest that should these words be ultimately added to the Manchester Bill by the Houses of Parliament that the independent valuation made by a valuer appointed by the Local Government Board should be sealed up and retained by the Local Government Board, and that its contents should not be divulged until after the subsequent valuations for betterment have been finally made, so that the second valuations should be entirely uninfluenced by the first valuations.

Marquess of *Salisbury.*

2825. From what you are reading I understood you to say this was an actual Bill before Parliament?—The Manchester Corporation are promoting a Bill, and I have read you an alteration made in that Bill by the Committee of the House of Commons.

2826. It has been made?—Yes.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to To-morrow, Twelve o'clock.

Die Veneris, 15° *Junii*, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).	Lord KENRY (*Earl of Dunraven and Mount Earl*).
Duke of NORFOLK.	Lord EGERTON.
Marquess of SALISBURY.	Lord HALSBURY.
Earl of DENBIGH.	Lord LINGEN.
Earl of ONSLOW.	Lord THRING.
Lord ZOUCHE OF HARYNGWORTH.	Lord FARRER.

THE LORD HALSBURY IN THE CHAIR.

MR. EDWARD TEWSON is recalled; and further Examined, as follows:

Chairman.

2827. THE Committee had to adjourn before you had quite finished what you were going to say when you were giving evidence on the former occasion; will you be good enough to finish what you intended to say?—Yes. I should like to refer to one point on which a question was raised as to my statement about the proposed betterment area with regard to the Strand improvement. It was said that I was in error, and that the proposed area was never actually proposed as a betterment area. I have brought the Minutes of Evidence given before the Committee on the Strand Improvement Bill, and the Bill, and if your Lordships would allow me I should like to put that matter right, so as to make myself clear.

2828. Will you do so?—The Bill most distinctly in Clause 28 says, "Whereas, the improvement being effected out of public funds belonging to or charged upon the ratepayers of the County of London, will or may increase in value lands or property fronting on or in the neighbourhood of the improvement, but not acquired for the purpose thereof, and it is reasonable that provision should be made under which such increased value should be reserved wholly or in part for the ratepayers, at whose expenditure it has been produced; therefore, (1) There shall be a rent-charge to be called the Strand Improvement Rent-charge, which shall be fixed, ascertained, charged, and payable in manner hereinafter described. But the total of the Strand Improvement Rent-charge shall not be of any amount"; and then it goes on to consider the extent, and the clauses run on providing for that; and then at the end of the Bill is the schedule referred to in the foregoing Act, showing the area bounded on the south by the Victoria Embankment——

Chairman—continued.

2829. Is there anything in the enacting part of it which refers to the schedule and explains it as you suggest?—I think so.

2830. Because the mere schedule would be quite susceptible of the explanation given by the County Council. Is the area in the schedule referred to in Section 28 of the Act?—That is so.

2831. What part of Section 28 do you refer to?—Sub-section (3) (*a*) says, "The amount of the increased value which in the opinion of the Council will result to the lands and premises described in the said award respectively. (*b*) The amount of the Strand improvement rent-charge to be apportioned on the lands and premises respectively in respect of such increased value." Then after Sub-section (*d*) it says, "But there shall not be included in such award (or in any amended or final award made as hereinafter provided) any lands or premises not situate within the area described in the schedule to this Act."

2832. But I do not see anything inconsistent with their explanation there. What is it that occurs to you as inconsistent with their explanation?—My point was this, that at the time the Strand Improvement Bill was proposed the London County Council had put forward an area of betterment. They had asked the Committee to pass their Bill, and to give them power to make a charge upon all properties that were included within that area.

2833. No; I think that is a little over-stating it: it is not all property included in that area, but all property included within that area that could be proved to be bettered?—Yes; but as I looked upon it (my lay mind will not grasp it as a legal mind would) the effect of that was the same as in the case of railway Bills, where plans

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Chairman—continued.

are deposited, upon which are marked limits of deviation. A railway company may say "we do not propose to take more than the actual line," but they have power to go up to the limits of deviation; and so the London County Council sought power to go up to that limit and include all property included in the scheduled area.

2834. If the rate was to be charged upon all that was included within the limits so marked, I should agree with you. You may very naturally have fallen into error, and supposed that that is what they meant; but they say they are two different things; and now the matter is challenged and they have given their explanation, is it so clear that their explanation is not quite reconcileable with what the Bill is and what their evidence was?—I was only anxious to put the point before you, because it seemed to me that I was challenged as to my good faith in the matter.

2835. I am bound to say I think the challenge was the other way. You said you were struck with their explanation, which was not accurate?—Nor do I think it was accurate.

2836. If you can show it to be inacurate well and good?—Powers were sought to include all the lands within the scheduled area; if in the judgment of the Committee or the Council on further inquiry the conclusion was come to that some of these properties would not be bettered, then they would not include them and would not make the charge upon them. That, of course, I saw, but that they sought the power of betterment upon the whole of the property within that area, to my mind is plain.

2837. As I read it I do not think it would be possible to say that it is clear that, supposing this Act to have passed, all the property within the area would of necessity be liable to the rate; it would have to be proved before the proper tribunal that the particular property had in fact been bettered?—But the tribunal was only their own tribunal. It seemed to me it was entirely on all fours with the railway proposition.

2838. The difference is this: in the railway case if they take the property they have to pay for it. That is a different proposition altogether?—I would submit it is only the converse here. "If the London County Council say, "you are bettered," the owners would have to pay. It is only the owners paying instead of the railway companies paying.

2839. Do you mean that in the first Bill there was no determination of the betterment by any tribunal?—No; the only tribunal is the London County Council, without appeal. There is an arbitrator to be appointed by the Board of Trade.

2840. That is the whole point, is it not?—The Council themselves are the tribunal to present the cases before the arbitrator.

2841. That is true; they are in the position of a plaintiff who is affirming that something or other has happened. It is not decided by their affirmation, but if it is challenged, as it is susceptible of being challenged, apparently, by the Bill, the question has to be determined by the proper tribunal, independent of them altogether?—I am fortified somewhat in my opinion by the numerous petitions that were presented against that Bill.

Chairman—continued.

2842. So far as we are trying your good faith, as you have said, I have no doubt we shall all be of opinion that you sincerely believed it to be as you stated, when you said so; but the question is now whether the statement is accurate or not?—As to the legal accuracy of it I am not so much concerned, so long as there is no reflection on my good faith.

2843. I am bound to say, in all candour, I think the accusation rather came from you in the first instance. The London County Council had given their explanation, and you said you were very much struck by the alteration in the position they had adopted before this Committee, which was entirely different from what they put forward before the House of Commons?—I did not intend to put it quite in that way. I thought the challenge came from one of the noble Lords, who told me that I was in error, and that that was not the scheme propounded.

2844. The matter seems to be tolerably clear, if you come to look at the words of the clause. The award that is to be made is to be capable of being challenged within one month, and Sub-Section 7 provides that, "During the said month any owner, lessee, or occupier of any lands or premises described in the provisional award as being increased in value may by written notice served on the Council object to the provisional award on any of the grounds following: (I.) That any premises included in the award or that any owner or lessee or occupier ought to be excluded. (II.) That any lands or premises omitted from the award or that any owner or lessee or occupier ought to be inserted. (III.) That the provisional award is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of of the amount of increased value attributed to the lands or premises"?—I fully realise that.

2845. "(IV.) That the alleged increased value, or any part thereof is not attributable to the execution of the improvement"?—Yes, but there comes in my point, and I think I was speaking upon that very point when my accuracy was somewhat questioned. I said I thought it would be an unfair thing that so large a number of owners of property should be brought to book and be compelled to defend their property by any such operation on the part of the London County Council. They had brought into the Schedule an area which was absolutely absurd, and was so treated by all who knew it. The result was that it was abandoned and dropped.

2846. That is true enough. I am not dealing with that objection, which may be a good one, but I think you were understood to say (you may, perhaps, have been misunderstood) that the Bill, as it first stood, placed upon every property in that area some part of the rate, and that it was not intended simply to make it an area of exclusion, but that there was involved in the Bill an allegation that the whole of that area would be improved. That, I think, was what their Lordships understood you to say?—Your Lordships properly understood me to say that, and I think I am right in that now. My allegation was that the London County Council sought powers to rate the whole of that area, and that the

Chairman—continued.

the owners of property having to defend themselves against such a rate would be put to serious and, indeed, enormous expense.

2847. The explanation on the part of the London County Council was that they never intended to contend that the whole property in that area would be improved, and indeed, they knew perfectly well that the area included some property which would not be improved?—Then why was it put in?

2848. That is another matter; I am not dealing with that now; I am only speaking of their explanation, which was that that area was intended only as an area of exclusion, that is to say, that no property beyond that area could possibly be improved; that was their explanation?—This is the betterment area upon which they seek power to put the rate.

2849. They say that this is not the betterment area in the sense of all the property being improved, but they say this is the betterment area within which we may possibly prove that there is betterment?—I think they withdraw it because they were so utterly ashamed of the proposition.

2850. I think at any rate we understand one another now. You have epxlained how it was you took that view. I will not call it a mistake, because you appear to adhere to that view still?—I do. Then there was this further point that I wish to call attention to; that this betterment, if imposed. would be imposed very quickly, and would be imposed for all time, so that good, bad, or indifferent, the property once assessed should be for ever charged. I think that is contrary to all principles of rating or assessment. The ordinary principle is that the rates go up with an increase in the value of the property, and go down with a decrease, and if the property may be bettered to-day, its value may be considerably lessened to-morrow, and it should not be burdened with a permanent charge. That is the case with all assessments. Then there is another point I wish to call attention to. If these properties are increased in value or bettered by the improvement made, then the parochial rates go up. A man who is assessed at 200*l.*, if his property is bettered to 300*l.*, would have to pay rates upon the 300*l.* There is yet another point. The rates themselves all over the parish would be visibly increased by the lessening of the rating area. A large road is taken through the parish which remains unrateable for ever; therefore that would be a third charge upon the owners of the properties. It is a serious loss sometimes to have several acres of rateable land taken out of the rateable area which could be used otherwise for building purposes. Then if there were an increase in the value, that increase for assessment would only be made after such improvement had been actually proved. Then I should like to refer to a clause in the Tower Bridge (Southern Approach) Bill, Section 37, Sub-section 11, which provides for powers to enable the London County Council to assess any part of London under that scheme without going for additional powers. That is a most serious matter.

Earl of *Onslow.*

2851. I cannot find anything to that effect in Sub-section 11; would you just read the words you refer to?—It is in the 37th clause of the present Bill; perhaps I have not got the right reference.

Chairman.

2852. It is not Sub-section 12 that you refer to, is it?—"The Council may from time to time, if they think just, but subject to the provisions of this Act, by resolution amend the assessment so as to include in the assessment, as amended, any lands by this Act made liable to have an improvement charge placed upon them, but not included in the original assessment, and may fix and apportion the sums to be charged upon any such lands"?—I think that is it.

2853. That refers to "lands by this Act made liable to have an improvement charge placed upon them." I thought you said it gave them power to assess any part of London without coming for additional powers?—I think that is not the clause I was thinking of. I regret I cannot find it at the moment. I think I am wrong in saying in any part of London. The clause to which your Lordship refers is as regards "any lands by this Act made liable to have an improvement charge placed upon them, but not included in the original assessment." Your Lordship will see that no notice has to be given to the owner or anything of that sort, but the Council are to have power to include any land within the district.

2854. That is within the area of the Act. When that assessment is made it will be made subject to all the conditions of the Act?—Subject to the oppressive operation of compelling small owners to defend themselves against the proposed assessment.

Earl of *Onslow.*

2855. We were told that the object of the clause was that, supposing there was a man who was aggrieved because he was assessed while his neighbour was not assessed, he might call upon the London County Council to include his neighbour in the assessment; was not that the object of the clause?—I do not think so; I do not think neighbours are expected to be spies upon one another. There would be no advantage in a man giving information against his neighbour, because it would not reduce the rate he himself would have to pay; the rate is already made upon him.

2856. The question was asked of one of the County Council witnesses why the London County Council should select in the area particular people whom they imagined were going to be bettered; and the answer was, that though they had that power any man might appear before the arbitrator and might object to being assessed when his neighbour was let off: and, in order to remedy that state of affairs the London County Council had put in that Sub-section?—I have not, myself, been able to ascertain that the arbitrator would ever be able to reject an assessment altogether; the only question submitted to the arbitrator is as to the measure of the assessment.

Earl of *Onslow*—continued.

2857. Will the arbitrator have power to include certain properties in the assessment which the London County Council have not put in?—No, not unless the County Council make this further assessment.

2858. That is what we were told is the object of this clause; do you think that was the object, or do you think it would carry out that object?—I think it would more than carry out that object. I think it gives an additional and arbitrary power to the Council which ought not to be given to them.

Chairman.

2859. You would say, I presume, that where you are dealing with the rating over a whole district, each man pays a proportion of the rate, depending on the number of persons rated, and therefore he is interested in his neighbour being assessed; but here your contention would be that there is no proportion at all, and therefore it does not matter to him whether his neighbour pays or not?—It does not matter a bit; he is called upon to pay just the same. He is called upon to pay one-half what his property may be bettered by the improvement.

Marquess of *Salisbury.*

2860. As you have had great experience in arbitration cases, could you give the Committee at all roughly the cost which an owner would incur in defending his property against a charge of this kind?—Of course, a great deal would depend upon the nature and the value of the property. It is often a very serious cost. I have known it to be very often nearly as much as the property is worth.

2861. I was anxious to get a figure from you if I could?—I am afraid it is impossible to name a figure, because it depends upon the value of the property and the number of witnesses to be called. Unfortunately we can seldom get the London County Council to agree as to the number of witnesses. If we can get them to agree that two witnesses should be called by them, then on the part of the claimants we are content to call only two witnesses. Most railway companies will agree to the proposition that so many witnesses shall be called, and then, of course, the expenses are limited proportionately. Then, again, as to counsel, you often get a Queen's counsel and a junior. I should say with regard to ordinary cases, supposing the claimant wins his case, the costs taxed off will often be two-thirds of the bill, the taxation is so severe. Over and over again I have had cases of expert witnesses called in heavy matters in regard to the valuation of property and so on, whose charges have been 60 or 70 guineas, and the taxing-master will allow one witness his full fee, and as to the other witness he will say "his evidence is merely corroborative," and he will only allow three guineas. Then, of course, the claimant has to pay.

2862. When you speak of the witnesses, you mean witnesses who are paid on being called to give expert evidence?—Yes, they are paid in respect of expert evidence, inspections of the property and valuations, and for subsequent attendances to support their valuations.

Marquess of *Salisbury*—continued.

2863. Do I understand that you put the cost of those witnesses at from 60*l.*, downwards?—No, there is a scale which we all charge in regard to these matters, so far as surveyors are concerned.

2864. The witnesses' charges would vary, I understand, according to the value of the property?—Yes; his charges for valuation and inspection of the property, and subsequent attendances, would vary according to the amount. His pay is regulated by a scale in this way: for instance, if the amount is 100*l.*, he gets 5*l.*; if it is 200*l.*, he gets 7*l.*; if it is 700*l.*, he gets 15*l.*; if it is 7,000*l.*, he gets 48*l.*

2865. Is that upon the estimated value of the property?—Upon the amount of the award or verdict, as the case may be.

2866. Then if he is called for the defence it is his interest to gave a larger sum against his client?—Those influences do not bear upon a respectable man.

2867. I suppose it would be no use for me to ask you what the cost of counsel would be?—No; the fees of counsel would vary very much. I have known in many cases counsel have at least 100 guineas on their brief, and many Queen's counsel will not take less than 50 guineas in an arbitration, in even a small case.

2868. I suppose a junior would take less?—A junior would take about a fourth.

2869. Then besides counsel's fees I suppose there are considerable expenses in regard to solicitors' and surveyors' fees?—Yes, and if it is a jury case there are the sheriff's expenses also, the charges for the rooms, &c., which are very often considerable. They vary in different counties; some sheriffs are more expensive than others.

2870. As regards the area drawn north of the Strand, the meaning was, as I understand, that every person within that area was, at the discretion of the London County Council, subject to be charged for betterment?—I read it so.

2871. I do not think that is disputed?—That was my contention. I gave your Lordships my observation upon that when I was before the Committee on the last occasion.

2872. You think it is a very burdensome and oppressive tax?—I think so; it is a very burdensome tax. It is very burdensome to have to defend oneself against such a charge.

2873. You have told us something as to the expense incurred. The London County Council, I suppose, have even more to pay, because they do the thing more luxuriously, do they not?—I think so. I often suggest, in cases of that kind, that if the London County Council would agree to pay the claimant's charges on the same scale as they themselves pay that would be the fair thing.

2873*. Then it must often happen, I suppose, that the amount of betterment which the Council have a chance of getting bears a very small proportion to the expenses which they are certain to be incurring on behalf of the ratepayers?—I think so. I think the expenses would be a very large

Marquess of *Salisbury*—continued.

large percentage of the amount which they would receive. But I think a great many small owners would pay the betterment rather than submit themselves to the expenses of a defence.

2874. And no doubt the London County Council would consider that probability and act upon it?—I think they would. I constantly advise claimants to settle their cases when offers are made to them below the amount which I consider they ought to get, rather than incur the expenses of fighting the case.

Earl of *Onslow.*

2875. The more luxurious the system of carrying on the fight the less the chance would be, I presume, of its being worth a man's while to oppose?—Precisely.

Chairman.

2876. Is it your experience that the costs are generally taxed?—They are invariably taxed, both in railway cases and in cases with the London County Council, the School Board, and all public bodies. I think they are bound to be.

2877. You think they are always taxed?—They are always taxed.

2878. Is there any taxation by the London County Council, or whatever the public body may happen to be, of their own costs?—I am not aware of that, I am not behind the scenes at the London County Council, but I should think there is not. I have never met with a case in which a witness for the London County Council has complained that he has not received his full fees.

2879. That is what I wanted to know, because it is obvious that if on one side the witnesses were paid whatever they claimed, and on the other side they were only paid the taxed costs, there would be a tendency to exaggerate the value of the evidence on one side?—I did not make myself perhaps sufficiently clear on that point. The witnesses for the claimant, in cases of property being taken, do not take the amount fixed by taxation; it is the poor unfortunate owner who has to pay them their full charges, and he only getting allowed the amount that the taxing master chooses to allow.

2880. But is it not within your experience that sometimes a witness will consent to take what is allowed on taxation?—I never found it so. When my proper fee should be 50 guineas I have sometimes been told that the taxing master has only allowed three guineas.

Marquess of *Salisbury.*

2881. And you have not acquiesced in that view?—No; I have been to remonstrate about it.

Chairman.

2882. Of course with regard to solicitors' charges and so on, which must be incurred, there is power in the County Council and in the private client, to have the charges made against them taxed?—Yes.

Marquess of *Salisbury.*

2883. Do the costs always follow the event in these arbitrations?—Yes; except in cases where sealed offers are made, and where the verdict or award is below the amount actually offered; then each party pays his own costs.

2884. Supposing the amount awarded is above what is in the sealed offer, what then?—Then the claimant gets his costs, but only taxed costs.

Earl of *Onslow.*

2885. That is the invariable rule?—Yes.

2886. But under the Bill that is not provided for, is it; is there not a provision that "the arbitrator may, if he think fit, direct that the whole, or any part," of the expenses ordered to be paid by by an objector, should be paid "in the first instance by the Council," and then recovered by them?—Yes, that is the proviso. Then, I think, the suggestion that all the cases shall be sent to one arbitrator without appeal, and that arbitrator appointed by the Board of Trade, is altogether a wrong one. I think no one man can be infallible.

Chairman.

2887. Do you think there should be a right to challenge the judgment of a jury on the subject?—There is no provision for a jury in the Bill.

2888. I am asking whether you think there ought to be?—Yes, I do. I think there ought to be an appeal to a jury.

Lord *Zouche.*

2889. Would you make it an appeal to quarter sessions?—No, I would make it an appeal to an arbitration jury, not to quarter sessions; for I think that would be too costly; I think it would be better if, for instance, it were taken to the under sheriff of the county.

Marquess of *Salisbury.*

2890. If it was under the Lands Clauses Act there would be an appeal to a jury, would there not?—Yes; the owner has the right under the Lands Clauses Act to determine whether he will go to arbitration or to go to a jury.

Chairman.

2891. It depends, does it not, upon the amount of the interests involved; if I remember rightly, speaking from an unrefreshed memory, where the interest is, say, a small tenancy from year to year, there is a power of going before the magistrate?—Yes; but when the amount is beyond a small sum the owner has a right to go to a jury, or to go to arbitration; and if anything were done in this direction, I think, instead of going to an arbitrator, it would be well to give the man who is to be liable to the charge the right to select the tribunal, either of a jury or of an arbitrator appointed by the Board of Trade.

2892. I have just had the statute put into my hands, and I see that if the amount is under 50*l.* you go before a magistrate?—Yes.

2893. In the cases we are dealing with it is not a question of taking the premises; the theory is the imposition of a charge?—Yes.

Chairman—continued.

2894. A charge which capitalised very often will not be more than 50*l.*, I presume?—But there is no provision in any of their bills for anything of that sort.

2895. No; but we are considering what people have a right to do under the present law?—Where the capitalised value does not exceed 50*l.* I should consider that a cheaper tribunal would be either the county court or a magistrate.

2896. Adopting this analogy of the Lands Clauses Act, if the capitalised value was not more than 50*l.* you would not think it right that the whole expensive machinery of a jury, and going before the sheriff, should be involved?—No; but 50*l.* would be a very small amount; it would only represent about 30*s.* a year. There would not be many of those I should suppose.

2897. I do not know about that. I should have thought in many cases it would not be more than 30*s.* a year?—I sincerely hope not; but I cannot understand how, taking a house worth 1,500*l.*——

2898. I quite agree that in a great many cases it would be much more; but what was in my mind was this: that when you speak of the hardship of this great expense being thrown upon the poorer occupiers, the hardship would be to some extent modified by adopting the analogy of the Lands Clauses Act; and, where the amount was small, allowing the much cheaper tribunal to determine the question?—I think the poor occupiers of London would not be affected by it.

2899. I am not certain about that?—The poor occupiers of London are very seldom the owners, and it is the owners who are to be charged, as I understand.

2900. I do not agree with you there. According to the proposition that is made, the arbitrator is to have the power of distributing the charge over each interest in the property, including the occupier?—Does that apply to anything other than the lessee?

2901. I have not the words before me at the moment, but I did not understand it to be limited to the lessee. I see it says "Owners, Lessees, and Occupiers"?—Then it is a very serious thing if they are going to tax all the poor occupiers.

2902. We must deal with the proposition as it is before us, and if you, for the purpose of enhancing the hardship, introduced the poor occupier, you must also take into consideration the fact that the occupier might have his case treated by a different tribunal?—Yes; I think the occupier's interest might well be treated by the cheaper tribunal.

Marquess of *Salisbury.*

2903. In what way would the County Court be a cheaper tribunal; would the Queen's counsel still appear?—I do not think the Queen's counsel would go to the County Court.

2904. He would refuse you think?—Yes, the solicitor would attend.

2905. Would the great expert witnesses be taken to the County Court?—Some would not.

Marquess of *Salisbury*—continued.

It would not be worth my while in a case where only 30*s.* was involved; I could not afford the time.

Chairman.

2906. You have got some little experience upon it already, as I happen to know there were a great many of these proceedings before the magistrate where the interest was less than 50*l.*?—Yes.

2907. Have those been attended by Queen's counsel and a host of expert witnesses?—No. Where the amount in question is so small, where it is a question of 50*l.* or 100*l.*, it would not be worth the while of the client to go that expense. Probably the solicitor's clerk would go and would be sufficient to conduct a case of that kind; and the valuer's clerk might go also, and they would be quite satisfied. It seems to me that if powers are sought to bring in the betterment scheme the provisions of the Lands Clauses Act should be introduced into any Bill. I think that if betterment is to be sanctioned, the parties proposed to be brought into the betterment area ought to be served with notices and have power to object and oppose the scheme in like manner to the opposition provided for under the Lands Clauses Act.

Marquess of *Salisbury.*

2908. Is the expense of serving notices very great?—I do not think it would necessarily be, where a number of notices have to be served. I think powers might be taken with all the ordinary notices to have them served by the Post Office, under registered letter.

Chairman.

2909. I see, as I should have supposed, that except where expressly varied, the Lands Clauses Act are incorporated, and form part of the Act?—But they are expressly excluded in this case: the operation is to be that first of all the London County Council is to prepare a plan. They are to issue a notice that charges are going to be made upon the area included in the plan. Then objections may be made; but all those objections will cost a lot of money.

Marquess of *Salisbury.*

2910. The result of the notices would be that all the owners or other persons interested who are affected would be able to appear before the Committee in either House; that is not a cheap operation, is it?—No, I am afraid not.

2911. But they might appear, I suppose, collectively?—It is a difficult thing to group a number of small owners.

2912. Do they not do it themselves sometimes?—I do not know many cases in which smaller people do; the larger proprietors do. Then there is another point as to which I do not know whether I shall be right in introducing it; but when I was before the other Committee a question was put to me by the learned counsel as to the operation of the Betterment Act in Edinburgh, and it was alleged that an Act had been in force in Edinburgh some time for the improvement

Marquess of *Salisbury*—continued.

ment of the city of Edinburgh, wherein this Betterment Clause had been worked. I knew nothing of the Act, I know Edinburgh very well, and I had never heard of such a thing, But I wrote in consequence of the inquiry to an eminent Writer to the Signet in Edinburgh, Mr. Alexander Wylie, to ascertain if this Act was in force. His first reply was that he was unacquainted with it; his second reply was that it was in force, but had never been acted upon. If I might be allowed to put in Mr. Wylie's letter he explains exactly how the matter stands.

Chairman.

2913. Do you say he is a Writer to the Signet in Edinburgh?—He is a Writer to the Signet in Edinburgh. Mr. Wylie says, "It was not until to-day that I had an opportunity of making a search for the Act referred to by you. On making a search in the Signet Library to-day, I have found an Act which I have no doubt is the one referred to by you. It is bound up in a volume of local Acts for 1837, and is a long Act with several schedules annexed (7 and 8 Geo. IV. c. 76, 14th June 1827), being an Act for carrying into effect certain improvements within the City of Edinburgh, and adjacent to the same. Section 12 gives powers to assess proprietors and tenants at the rate of 1 per cent. on rent for 12 years, and on tenants at the rate of ½ per cent. for same period." That, your Lordship sees, is a fixed and distinct charge which could be appreciated and recognised, and was not to be departed from. Section 13 (which I presume may be called the Betterment Clause) provides that proprietors of buildings in district to be benefited, may be further assessed in an additional sum annually not exceeding 1 per cent. on the yearly rent or worth of the premises for same period as above. So far as I can learn this clause has never been acted upon and does not seem to have been approved of, as it

Chairman—continued.

does not occur in any of the subsequent similar City Improvement Acts for Edinburgh, of which there are a large number. I could not get a separate copy or a duplicate of the volume in which it is contained in the Signet Library, but will procure, if to be had, within a few days a copy from the publishers, and if a separate copy is not to be had I can send you a full copy of the clauses referred to."

2914. We have got the Act itself. The only important point I think is, if the gentleman in question is right in saying it has never been acted upon?—Then there is a further letter in confirmation, in which he says, "The Commissioners seem to have got almost unlimited powers, but I am not aware if any attempt was made practically to put in force the exceptional clauses empowering additional rating and charges on districts specially set aside and presumed to be improved by the alterations. Owing to the difficulty of carrying them out practically, I presume they would be substantially departed from. In many cases, by opening up a new business street for shops, in place of improving or increasing the value of shops in adjoining streets within the area of an additional assessment, these might be very much deteriorated in value, as also houses in back areas and narrower streets in the immediate neighbourhood, by being superseded by houses more suited to the times in the new streets under the Act. In my opinion betterment, so called, is very plausible in principle, but when attempted to be applied practically it is quite unworkable without creating a great deal of hardship and injustice more than sufficient to overbalance any supposed benefit to be derived by attempting to put such clauses in force."

2915. Is there anything else you wish to add?—No.

The Witness is directed to withdraw.

MR. ARTHUR A. BAUMANN is recalled; and further Examined, as follows:

Chairman.

2916. THERE was one particular head of evidence which you were going to deal with when we interrupted you yesterday?—I wanted, if your Lordships would allow me, to make some observations upon the clause of the Bill itself.

2917. We shall be glad to hear what you have to say upon it, but you will remember that the Bill is not before us; we are rather dealing with the question of betterment generally, and a mere criticism of the clause is not so important to us?—Of course I am in your Lordship's hands.

2918. I think we shall be glad to hear what you have to say, because it may reflect light upon the general subject?—The criticisms I shall make will be directed to the general principle, though of course they must have reference to the wording of the Bill. I should like to point out that although the House of Commons Committee intended by their recommendation that the enhanced value on which the charge is to be

Chairman—continued.

levied, should be visible, actual, and accrued, the words of the Bill, as amended, leave the value future and speculative.

Earl of *Onslow.*

2919. When you say, "as amended," are you speaking of the clause as it appears before us, or as we understand it to have been agreed to be varied?—I meant amended.

Chairman.

2920. We have the Bill in its amended form, and the words at the end of Sub-section (1) are "has been derived," instead of "has been or or may be derived," as it stood before. Are you speaking of the Bill as finally amended?—I am speaking of the Bill as amended.

2921. Finally amended?—Yes, I understand so. The words to which your Lordship refers

Chairman—continued.

have been, as I understand, agreed to be altered, and have been altered in fact, in the House of Commons, and now read, "value which is clearly shown to have been." The words have been reinstated in the House of Commons, I think.

Marquess of *Salisbury.*

2922. In the Bill as before me the words are, "which it is clearly shown has been derived"?—I thought the amendment was "shown to have been."

2923. In my copy of the Bill, which professes to give it in its last form, the words are, "has been;" there is a shade of difference between the two?—Yes.

Chairman.

2924. In the Bill before me the last sentence of Sub-section (1) reads, "increase in value which it is clearly shown has been derived from the improvement by this Act authorised." I understand that to be the actual printed Bill which is brought up to us?—I had not seen that copy. I understood that they had reinserted the words that Mr. Cripps and I agreed upon. But the difference is small, and that is not the point to which I wished to draw your Lordship's attention. My point was that although those words are there, yet in a subsequent Sub-section the words "will be" remain, which are not only inconsistent with these words, but which leave the value entirely future and speculative. Sub-section 3, line 15, says, "The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to 3 per centum per annum upon one half of the amount which, in the opinion of the Council will be the enhanced value derived or to be derived by the said lands from the improvement."

2925. That is innocuous as it occurs to me, because that is only the allegation of the Council. That which the arbitrator is called upon by law to determine is the increased value which "has been" derived. What is dealt with in Sub-section (3) is "the amount to be proposed in the assessment," is it not?—But as I understand, all that the arbitrator has before him to give the decision upon is the assessment.

2926. And if the assessment states that in the opinion of the Council certain lands "will be" improved in value, and if they should succeed in supporting that proposition by evidence, I imagine the arbitrator will have to award in favour of the assessment.

2927. I think he would have to look at the controlling words which I have just read, in Sub-section 1. Of course if it is rendered doubtful by these later words, that is a criticism upon the drafting?—Yes.

Earl of *Onslow.*

2928. We have been told it is probable that a great many of those assessed would not think it worth while to incur the expense of appealing against the assessment. I suppose those people would be charged with this assessment based upon the prospective value, and if they did not appeal they would have it put upon them?—I apprehend that, and that is why I think these words in Sub-section 3 are dangerous, and important as a matter of principle. It seems to me to leave it future and speculative.

Earl of *Onslow*—continued.

Chairman.

2929. It is not worth while discussing what is mere drafting. The charging part of the statute is limited in the way I have read to you. The only mode in which the land is made liable is under the sub-section in which it is enacted that the land "shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions hereinafter set forth) in respect or in consideration of any substantial and permanent increase in value which it is clearly shown has been derived from the improvement by this Act authorised." That is the only charging section?—I quite agree; but may I call your Lordship's attention to the grounds upon which a person can object to the assessment? Under Sub-section 7 he can "object to the assessment" on any of the grounds following:—"(1.) That any lands included in the assessment, or that any owner, lessee, or occupier, ought to be excluded by reason that it has not been, or cannot be, clearly shown that the lands to which the notice relates have been, or will be, substantially and permanently increased in value by the improvement."

2930. I agree with you that the two things are inconsistent, but still the charging section is that which by law would place the charge upon the land. I suppose you would say that the learned judge might take the view that he must look at the whole Act, and that there is the possibility of the future improvement that is contemplated in the award. I do not know how the arbitrator will be able to make the award without using the language of the statute that it "has been" permanently and substantially improved?—It seems to me a danger which was certain to lead to confusion and to litigation.

2931. I agree; but after all this is only a matter of drafting; one can understand how it arose; this is not the first time in the history of Parliamentary drafting that one portion of a section has been altered without reference to another portion of the section?—No.

Lord *Thring.*

2932. I do not say "will be" is right, but I rather think the "will be" has been introduced because it relates to the assessment of the Council. Then the arbitrator would have to decide after a certain future period had intervened, and I think that is what the "will be" means. The charging section says that the increase in value "has been" derived. I think the draftsman has inaccurately thought that inasmuch as the question could not be decided until a future period therefore he required the words "will be." It is of course easily corrected, but I think that is how it arose?—That may be so.

2933. I think

Chairman.

2933. I think we are engaged really on a question of drafting?—I should like to observe with regard to the preliminary valuation——

Earl of *Onslow.*

2934. Before you leave this point let me ask you this: if there is no objection raised to the assessment of the London County Council it becomes the assessment, does it not?—I imagine it would become the assessment, but I think it could be upset afterwards, because, as the noble Lord in the chair has pointed out, the words in Sub-section (1), which define the lands liable to be charged, are really the words which govern the clause.

2935. So far as the arbitrator is concerned?—So far as everybody is concerned.

Chairman.

2936. There is no power of charging except upon the award. The assessment is simply an allegation by the plaintiff, so to speak. He has to establish that allegation, and the award is the only thing that gives effect to it?—Yes.

Earl of *Onslow.*

2937. Supposing you are right in your reading of these words, the London County Council will be able, as I understand, to assess the betterment at its future value; and then, if the person who is assessed does not object, will not that be the assessment?—I think your Lordship is perfectly right.

Lord *Thring.*

2938. I do not so understand it. If there is no objection to the assessment made by the Council, it becomes the final award.

Chairman.

2939. I do not think that is so, is it?—It does not go before the arbitrator unless there is an objection to the assessment.

2940. That is the whole point between us. I have not so understood it hitherto?—That is how I read it.

Lord *Lingen.*

2941. Section 8 of Clause 37 seems to determine that: "if at the expiration of the said period of one month no objection shall have been served on the Council, then the Council may publish notice to that effect in the 'London Gazette,' and as from the date of such notice such assessment shall become final"?—That is so; it becomes final, and has the effect of an award of the arbitrator.

Chairman.

2942. I do not so understand it; and I do not understand that that is the plan put forward by the Council. If it were so I should quite follow what was put to you by my noble friend on my right (Lord Onslow)?—It says, "such assessment shall become final."

Lord *Zouche.*

2943. If there is no objection there is no award?—Quite so; if there is no objection the assessment of the Council becomes final. The words in Sub-section (8) state that very clearly.

Lord *Thring.*

2944. The assessment becomes final in so far as it stands, but there is no charge made; it has no effect until the award of the arbitrator has been made, because the arbitrator must select the houses himself?—I would submit that is hardly so. If your Lordships will allow me to refer to Sub-section (b) of Section 3, it says: "The assessment shall contain a statement of the amount which the Council allege will be the enhanced value derived or to be derived by the lands respectively from the improvement; the amount to be proposed in the assessment" shall be "equal to 3 per centum per annum upon one half" of the enhanced value. Then Section 8 provides: "If at the expiration of the said period of one month no notice of objection shall have been served on the Council, then the Council may publish notice to that effect in the "London Gazette," and as from the date of such notice such assessment shall have become final."

Duke of *Norfolk.*

2945. What could ever upset the assessment in that case?—Nothing.

Lord *Thring.*

2946. You do not require to upset the assessment; it has no legal power unless it is followed by an award?—I should submit that is final.

Duke of *Norfolk.*

2947. If no arbitrator is called in, you would say the assessment must remain, as there is no award to be made?—It must remain, as there is no award.

2948. Your point is, that in that case no arbitrator has to be called in, and therefore there is no award, and therefore the assessment remains and takes the place of any award that would have been made?—Exactly. If no arbitrator is called in, there is no award.

Chairman.

2949. I am not quite certain that we are quite agreed about it, but I do not suppose it could be suggested that that could be the proper course to pursue. I think the draftsman, in more than one instance, has made a slip; and I am disposed to think that what he intended was what I say; but I am not prepared to say it is not very arguable that the result of it would be what you have suggested. I observe that at Section 15 of the clause it is provided that, "The charge in respect of any lands *as fixed by the award* shall begin to be payable," and so on. If I am to take your view of it, there ought to be a similar provision with regard to the assessment, and there is no such provision?—No. If your Lordship will look at Section 14, I think that makes it clear beyond a doubt.

Chairman—continued.

2950. I am bound to say that that looks rather in aid of your view?—That seems to me to place it beyond a doubt.

Earl of *Onslow.*

2951. As I understand, what you wish that the Act should enact is that the Council should not have power, even in the case of an undisputed assessment, to charge upon the property anything which is prospective and not already clearly ascertained?—That is so.

Chairman.

2952. I should go further still, and say that it ought not to rest upon the determination of the Council at all. I am not prepared to say that under the Bill, as it stands, an unchallenged assessment would become a charge upon the property. My view of the Bill was that it did not include any power to charge under the assessment until it was consummated by the arbitrator sitting upon it and saying, "Now, I have heard the evidence, and determined that this house is liable to such and such a charge." But whether that is included in the Bill at present or not, I certainly think it ought not to be included unless there is some judicial determination of the liability to the charge?—That goes to the very root of the whole clause, because the principle of the clause is that the opinion of the Council, unless challenged and taken before the arbitrator is to constitute a perpetual charge upon a man's property.

2953. I think none of us are in favour of that?—That is the effect of the Bill as I read it.

Earl of *Onslow.*

2954. I wish to ask you one question as to your opinion of the advisability of leaving it entirely to the Council to select the properties which in their opinion ought to be charged?—I think it is highly objectionable to have the valuation made by an officer of the Board which is to reap the profit of that valuation, then to have the valuation and the betterment charge discussed in a meeting of the Council (a large and popular assembly) as is provided under the sections of this Bill, and then in the event of the owner being disinclined to fight the matter before an arbitrator, to make that a registered charge upon his property.

Lord *Thring.*

2955. I should agree with the noble Lord in the Chair, that it ought not to have the effect of a registered charge; but I see no reason against their being a prior investigation, and it would seem to be very much for the convenience of the poor people who are going to be charged that there should be a prior investigation made which does not bind them, but in which they would have an opportunity of discussing the question amicably, so to speak, with the Council, and if they agreed with the Council what would follow would be that the arbitrator might make the award as a matter of course, subject to the question of whether or not the man ought to be charged at all. How would any injustice be done by a preliminary assessment of that sort, if it is not made binding?—I think your Lordship is confusing the preliminary valuation which is to be made at the cost of the Council, and the provisional assessment, which is a subsequent stage, and which is to be made by the officer of the County Council, and which unless objected to becomes a final charge upon the property.

Lord *Thring*—continued.

2956. I am afraid I did not understand that there were three processes; is that so?—There are three processes.

Earl of *Onslow.*

2957. I think you have not answered my question. The question I asked you, first of all, was as to your opinion of the Sub-section (3); that the Council shall frame an assessment in which they will describe the names of the holders, lessees, and occupiers whom they believe will be bettered. I want to know what is your opinion as to leaving that to be decided by the Council, who want to raise the money, and not left to the arbitrator or some independent person; do not you think there may be a danger that some people who ought to be charged will be left out, and some people who are charged ought not to be charged?—I agree; I think under no circumstances ought this matter to be decided by the County Council.

Lord *Thring.*

2958. What do you mean by "decided." If it is to be definitely decided, I agree with you, but if it is to have a legal effect, why should they not put forward a preliminary statement of the persons they supposed, or thought might possibly come within the sphere of the charge?—I have no objection to that, provided it does not become a legal charge, unless objected to, but that is the Bill as it stands.

Earl of *Onslow.*

2959. I do not want to make any insinuation whatever, but we all know that an amount of party feeling exists in the London County Council, and I want to know whether you think it wise that Parliament should entrust to that body the power of selecting certain individuals within a given area for the purposes of taxation?—I think it would be very unwise and very dangerous.

Chairman.

2960. But what is the alternative; do you mean that you should select somebody else?—No; I mean that the assessment, being by a body, constituted as the London County Council is constituted, it should in no case be allowed to have the powers of making the law.

2961. But the question is who should make the claim to have a rate fixed upon a particular property; and I may invite you to consider what is the alternative? You see if you give it to anybody else the question goes before the arbitrator, prejudiced by the fact that some independent person has alleged that rate to be properly payable. If you treat it as simply a claim of the County Council, the arbitrator then, assuming him to do his duty, simply regards it as a claim by some one which has either to be proved

Chairman—continued.

proved or disproved, does he not?—I did not apprehend the drift of the Earl of Onslow's question, but, now that I do, I am obliged to say that I cannot object to the municipal authority making this claim, providing that the interests of the owners are properly safeguarded by the law. I do not see, as your Lordship puts it to me, what other authority could make the claim except the authority which makes the improvement.

2962. As long as you treat it in the nature of a claim it goes perfectly unprejudiced before the arbitrator; if you interpose some third person who is supposed to be independent between the arbitrator and the claimant you necessarily prejudice the question when it comes before the arbitrator, do you not?—Yes.

2963. Because he will consider it, not as a written claim, but something which has to be adjudicated upon?—Yes.

Duke of *Norfolk.*

2964. But if it never goes before the arbitrator at all, who decides it then?—Under the Bill as it stands, the County Council.

Chairman.

2965. That is a consideration which I think we are all agreed upon is quite untenable?—Yes.

Earl of *Onslow.*

2966. You suggest there is no alternative; I would suggest an alternative to you: would it not be possible to have an assessor, or a body of assessors to whom should be relegated the whole duty of selecting the properties which are bettered and divididing the amount of betterment put upon them; is not that a possible alternative?—Do you mean assessors as they are more or less appointed in America?

2967. Yes?—But even in America there is one assessor to represent the authority.

2968. And one to represent the owners, is there not, and a third appointed independently?—Yes.

2969. Do you think such a body as that would be preferable to a single arbitrator selected by Government appointment?—I think it would be.

Chairman.

2970. What is your experience about three arbitrators, one selected by each side, and a third independently; my experience is that they always differ, and the decision rests with the third?—It is very often so. I hope I have made it clear to the Committee that there are these three processes, preliminary valuation, provisional assessment, and arbitration.

2971. I, myself, misunderstood it in the first instance, and, I suppose, I misunderstood Mr. Harrison and Mr. Dickinson's evidence; I certainly did understand the Bill, not having read it carefully, that there was to be no case of a rate being fixed except by the award of an arbitrator; but that does not appear to be so?—And with regard to the preliminary valuation, I should like to say that I suppose the owners of the property are to be bound by that preliminary valuation, but that they are not allowed to be heard, and I suggest that that is an injustice.

Chairman—continued.

Lord *Thring.*

2972. I am afraid, then, we misunderstand the whole thing; I daresay I am entirely wrong, but I never understood that the owners were to be bound?—If they are not to be bound, I fail to see the object of the preliminary valuation. I presume it is a standard with which the arbitrator is to compare the value at the time it comes before him for the purposes of assessing the enhanced value.

2973. I understood the meaning of the whole thing was this, that the Council had a preliminary valuation for the benefit of people who were to be charged in order that there might be a certain *constat* of what was supposed by the Council to be the then value of the property, so that when after that the value of the improvement came to be tested, there might be a certain *constat* of what the Council, before the improvement was made, knew or thought was the value of the property; that is what I thought it was for; I thought it was in favour of the owner and not of the Council?—Yes.

Lord *Farrer.*

2974. That was inserted by the Committee of the Commons was it not, and not by the Council?—Yes; and as Lord Thring says, it was intended for the protection of the owners. Only, to make that protection complete, I suggested, as I suggest now, that the owner should be heard.

Marquess of *Salisbury.*

2975. Would not that add to the expense?—It would, but it is better to pay something to save something.

Lord *Thring.*

2976. I thought they had an opportunity of being heard afterwards?—Yes; but there may be an initial error.

2977. Why should you put a man to the expense of opposing a claim which does not bind him. You put him doubly, and as I understand, trebly, to the expense of proving what the value was?—I do not propose that he should be compelled to be heard. I propose he should be allowed to be heard, he would be bound by the preliminary valuation. I do not think he would be allowed to contract out when he came before the arbitrator.

Marquess of *Salisbury.*

2978. Do you not think the arbitrator would be bound by it. Is it not only for the information of the arbitrator?—As I understand it the arbitrator would look at it as if he were bound by it.

Chairman.

2979. There is no relation, is there, between the thing and the other machinery of the Bill; the County Council are not responsible for that, are they?—No.

Chairman—continued.

2980. It comes to this, that for no object recited in the Act, and with no consequence enacted in the Act, this preliminary valuation is to be made. The arbitrator is not bound by it; nobody is bound by it so far as I can see?—That is so.

2981. Of course it would follow in logical sequence if you were to enact that the arbitrator should take that as the ascertained value at the time before the improvement was made, but then your observation would immediately arise if that were so, and it was to bind him, the owner ought to be heard?—I quite appreciate that.

Lord *Farrer.*

2982. Do you suppose it would bind the Council?—I quite agree with what the noble Lord in the Chair says, that unless some further words are inserted it would not bind anybody, but if it does bind anybody, I submit that the owner should be heard. Then there is the question of costs, as to which we endeavoured to insert amendments. Your Lordships are aware that under the Lands Clauses Act an owner can under no circumstances be called upon to pay the costs of the promoters.

Chairman.

2983. But he may be called upon to pay his own, may he not?—Yes, but the possibility of being called upon to pay the costs of the London County Council is a very serious thing. Now, there were words inserted by the direction of the Committee which limit to a certain extent the amount of cost that might be paid by an owner. In the case of costs being given against him the owner is not to be allowed to pay more than he himself could have recovered in case costs had been awarded to him. So that limits it to a certain extent. That is on page 29, Sub-section 10, Sub-head 4, which says, "in the event of the arbitrator deciding in any case that the costs of the Council shall be paid by the objector he shall direct that the amount of such costs shall not exceed the amount which the objector would have been entitled to have recovered from the Council in case the arbitrator had ordered the Council to pay the costs of the objector."

Lord *Thring.*

2984. What does that mean?—It means supposing the arbitrator decides that the owner who has objected is to pay the costs of himself and the Council, he is not to pay all the costs that the Council has incurred, but he is only to pay the same costs, practically, that he has incurred for himself. He is to pay his own taxed costs; that is how I understand the words.

Chairman.

2985. That may be the intention, but I think it is a little obscure, and it is very difficult to say what it does mean?—Those are the words which the County Council inserted, and I think the question of costs is a very serious one.

Lord *Farrer.*

2986. Are those the words of the Council or the words of the Committee?—Those are the Council's words.

Chairman.

2987. I thought you said that was suggested by the Committee?—The Committee directed the Council to introduce some words.

2988. They are not the words originally brought up by the Council?—No.

2989. I suppose the words originally brought up by the Council gave an unlimited power, did they not?—Yes.

2990. And this was a limitation suggested by the Committee, was it?—Exactly. Then I also wish to point out to your Lordships that the right of appeal to a jury is taken away, and the right of appeal to a court of law. I submit that as a man is allowed to appeal against a rate at sessions, and as any owner where the amount is over 50*l.* under the Lands Clauses Act is entitled to a jury or an arbitrator in a case like this, where the arbitrator is appointed on the *ex parte* application of his opponent, he ought to have the alternative of a jury, and the doors of the law courts ought not to be shut in his face.

2991. Would you be satisfied with the same kind of appeal, and to the same extent as that which is given against a rate—an appeal to sessions?—Yes; I think so.

Lord *Thring.*

2992. Of course you are aware that the great expense of trial by jury was a reason why the Lands Clauses Act has been amended by striking out a trial by jury and putting in an arbitrator, are you not?—Yes.

2993. That it was considered to throw such an enormous expense upon both parties. What I mean to say is that the appointment of an arbitrator is not necessarily more or less in favour of the Council than it is more or less in favour of the owner. In all the early Acts when I was at the Bar we always adhered to the Lands Clauses Act for years, and then came a time when it was found to be so expensive, and I under instructions drew the Act in a different form, putting in an arbitrator in order to save expense to the parties. I mean one way or other may be useful, but it is not to be charged, in my opinion, against any municipal body, when they put in an arbitrator instead of a jury, that it is from any sense of injustice, but that it is done for the purpose of saving costs?—No doubt that is so: I make no charge against the London County Council on that head. I attach some value to trial by jury, and that is all.

Marquess of *Salisbury.*

2994. The use of a jury would be optional on the part of an owner, would it not?—Yes, it would be optional on the part of an owner. If I may draw your Lordships' attention to the apportionment of the charge, I have to observe that the charge might be made to fall upon improved ground rents. As your Lordships are aware, improved ground rents are a species of fixed

Marquess of *Salisbury*—continued.

fixed annuity which come in between the occupation rent and the ground rent proper, which have no valuable reversion and which cannot possibly derive, therefore, any advantage from any improvement.

Chairman.

2995. Except by security, I suppose?—Except by security, but as a rule improved ground rents in London are amply secured.

Marquess of *Salisbury.*

2996. Would it not be the case that then the arbitrator, if he did his duty, would not allow any betterment to be placed upon them?—If the arbitrator did his duty according to my view he would not allow any charge to be placed upon an improved ground rent, but I should prefer not to leave that to the arbitrator's sense of his duty.

2997. Do not you think that is an absolute security?—I think not.

Lord *Farrer.*

2998. Has the arbitrator the power under the language of the clause to put the charge upon a rent which remains actually the same?—Yes, he has the power under the Act.

2999. Is there nothing in the Bill as passed to indicate that there must be an improved value on which to charge the betterment?—Perhaps I had better read your Lordship the words.

3000. I will take your opinion as a lawyer about it?—No, it simply says the arbitrator shall take into consideration all the circumstances of the case, and in particular shall consider the several interests in such lands and the time at which they severally expire, and may make the commencement of any charge dependent on the expiration of any term of years or other period, or on the happening of any event as they shall deem fair and equitable, and may apportion the incidence of such charge as between the freehold and any other estate or interest in the land during the period of any existing term of years for which the same is held at the date of the award.

3001. Then what is the charge which he is so to assess upon the different interests?—That is the betterment charge.

3002. It is a charge in respect of improved value, is it not?—Yes.

3003. Does not that rather imply that there must be an improved value in the property in order to put a charge upon it?—It does. But then there is this difficulty: supposing the arbitrator decides that the improved charge is to be divided between the occupying lessee and the owner of the ground rent proper, and between those two parties there is an improved ground rent, under the Bill the occupying lessee is to pay his proportion of the charge and then deduct it from his superior, who in turn deducts it from his superior. Now, if the portion which is by the arbitrator thrown upon the ground owner proper, should happen to be greater than the amount of the ground rent (which might very easily happen), I do not see how the occupying lessee could deduct that from the improved ground rent owner, and how the improved ground rent owner could get it back from a ground rent

Lord *Farrer*—continued.

proper, which was smaller than the amount of the charge. Supposing there was a house with an occupation rent of 300*l.* a year with an improved ground rent of 30*l.* a year, and with a ground rent proper of 10*l.* a year, which is not an uncommon state of facts in London, and supposing the amount of the betterment charge was 30*l.* a year, and the arbitrator thought that it should be divided between the occupying lesee and the owner of the ground rent proper, the occupying lessee would pay the 30*l.* in the first instance, and then he would have to deduct 15*l.* from his superior, who is the owner of the improved ground rent. But I fail to see how the owner of the improved ground rent is going to get it back from the owner of the ground rent proper.

3004. Is it very likely that the arbitrator would make such an award as that?—As I have said before, I wish to trust as little as possible to the discretion of the arbitrator. I do not think it is safe. I mean I do not think that the improved ground rent which has no valuable reversion, ought to be made subject to the operation of this Act at all.

3005. You would in that case make the occupier go direct to the owner of the ultimate reversion, would you?—Yes, that is so, if it could be done.

3006. Because the assumption is that the property upon which the charge is made, is it not?—Yes.

3007. Then the arbitrator would say, here are these three interests in the property?—Yes.

3008. The first interest, that of the occupier, is improved; I put a certain charge upon him; the interest of the intermediate improved ground rent owner cannot be improved; that is a fixed sum, is not that so. That is your case, is it not?—That is my case.

3009. Then the arbitrator would surely never put a charge upon him, would he?—He ought not to.

Lord *Thring.*

3010. It seems to me he could not, could he?—He could under the wording of the Act. I agree with my Lord Farrer that he ought not to.

3011. Then is not the word in the Act that it must be improved and *ex hypothesi*; supposing the lease of the improved ground rent owner expired at the time of the occupation lease there could be no improved value, could there?—The County Council might allege, and the arbitrator might believe the security was improved.

Marquess of *Salisbury.*

3012. Would sufficient notice be given to the owner of this improved ground rent. There is in the Bill no other notice except publication in the newspapers. Do you imagine that they would be the class of people who study the newspapers for that purpose?—I think not. I think the class of people who study newspapers for any purpose is very small. Then this method of apportioning the charge between the various interests, even in the case your Lordship put to

Marquess of *Salisbury*—continued.

me of dividing it between the occupying lessee and the owner of the ground-rent proper, and allowing the occupying lessee to go direct to the owner of the ground-rent proper would involve a valuation of the reversion, which I submit is a thing very difficult to do.

Lord *Farrer.*

3013. In order to put anything upon the reversion, the arbitrator would have to come to a conclusion that the reversion was improved in value, would he not?—Yes, and that is a very difficult thing to do.

3014. That is the whole essence of the thing, is it not?—No doubt it shows the extreme difficulty of it.

3015. I quite see your argument, but it is the whole essence of the arrangement, is it not?—Yes

Marquess of *Salisbury.*

3016. But it is quite conceivable that the improvement would expire before the reversion had accrued?—I should think in the case of Messrs. Slee, where they had an interest of 40 years, it is quite possible.

Lord *Farrer.*

3017. Then would it be paid upon what the arbitrator considered the improved value at the time. Would he say, "If this reversion were sold, it would sell for so much more in consequence of the improvement." I am not saying it is right or wrong, but I am only speaking of the theory of the proposed arrangement; that is so, is it not. He would say, "This reversion, if put into the market, would sell for so much more in consequence of the improvement"?—That is what he would have to do, and that is what I understand to be a very difficult operation. With regard to the separate valuation of land and houses on it, those words, as your Lordships have heard, were inserted by the County Council, not under the directions of the Committee, and with regard to the possibility of separately valuing land and houses. Of course, I am not a valuer or a surveyor, but I was a Member of the Select Committee of the House of Commons which sat on Town Holdings for six years, and which collected a great deal of evidence on this subject. Amongst others we had the pleasure of hearing the evidence of my Lord Farrer upon this point.

3018. It will save you time if I say that I have repeated that same view in the Council within a very short time?—If your Lordship will allow me I will read it. We took a great deal of evidence on that Committee upon that particular point, and we came to this conclusion as to separate valuations of ground and buildings." The measure which has been most systematically and carefully argued before your Committee is the proposal to make separate assessments of the value of the ground and of the building upon it, so as to enable the rating authority to impose a distinct and different rate

Lord *Farrer*—continued.

upon each. Both these rates would in every case be collected from the occupiers, who would be entitled to deduct the whole from the rack rent. The receiver of the rack rent would then be entitled to deduct from his immediate landlord a proportion of each of the rates imposed on ground and building values, according to the proportion of such ground and building values respectively which such immediate landlord himself possesses, and so the process would be carried back until the freeholder is reached. The advantages claimed for this proposal are, that by it the whole annual value of the land is taxed in whose hands soever it may be, and that when the system is once in work it will, it is contended, be impossible for the owner to shift the incidence, that the taxes which it is intended to put upon the land and building will by these means be at once imposed upon the person who should really bear their incidence, instead of its being left to the process of time to shift them back from the occupier. According to the argument before noticed that all the permanent element of expenditure goes to increase the value of the land, it is contended that the land ought to bear a large portion of it; and it is argued that houses and buildings should bear a less import in proportion to their annual value, because the annual return on them does not represent the true annual value on the same scale as in the case of land, from their being subject to depreciation and other causes, and also because the communal expenditure which benefit land does not necessarily benefit the buildings upon it. And it is said that the only way to affect the taxation of land and buildings on different scales is by the separate assessment of each. This system does not, however, seem to us to possess the advantages claimed for it by its advocates."

3019. What are you reading from?—The Report of the Town Holdings Committee.

3020. Not the evidence?—No, the Report of the Committee. It was a very large Committee, as your Lordship knows, and sat for six years. "In the first place the feasibility of splitting up the value of an entire property consisting of a house and its site, so as to assign to each element its proper value is disputed, not only by such witness as Sir Thomas Farrer and Mr. Thorold Rogers, but by men eminent in the very profession whose duty it would be to make such valuation. It is admitted that the valuation would have to be made by professional experts, and it is the almost unanimous opinion of the surveyors who gave evidence before the Committee, that to adopt the plan suggested by Mr. Moulton, viz., to estimate the value of the land as if it were a vacant site, and that of the buildings, at a certain percentage on its cost, would not necessarily give at all an accurate estimate of the annual value of the whole subject-matter. That which has to be valued is, after all, the property as it actually exists in its entirety, in which all the parties, whether occupier, lessee, intermediate lessee or freeholder, are interested. It is said that under the present system of valuation it is possible to get a very fair estimate of the value of the whole property, by

Lord *Farrer*—continued.

by either taking the actual rent, if recently fixed, or comparing it with similar properties let in the neighbourhood; but that if the value of the site had to be estimated separately in every case, there would be great difference of opinion and uncertainty, leading to great expense and much litigation. On the other hand, it was stated that the division of the value of the land from that of the building was a possible thing, and a thing done every day by surveyors. The difficulties and anomalies which would result from the proposed scheme have been illustrated by many actual cases given in evidence. Instances have been given where the annual value of the site alone would be more than double the full rack-rent value of the entire property as at present existing, or where the annual value of the building as estimated on its cost would largely exceed the annual value of the building and site taken together, or again where the annual value of building and site taken separately and added would be considerably less than the rent which the whole property brings in its actual state."

Chairman.

3021. I think it is very interesting reading, but there are two things I have to observe. In the first place, we shall have that report, if you will be good enough to hand it in; in the next place, I cannot see its relevancy to the question which is remitted to us, although I can quite understand it has reference to the suggested alteration of the County Council when the Committee asked them to do something else?—What I thought it had relevancy to was the separate valuation of land and buildings which is now in the Bill.

3022. But we are not discussing the Bill, you see?—Quite so.

Marquess of *Salisbury.*

3023. Do you think that that is an essential part of the proposed scheme of betterment. Of course, betterment is referred to?—I think it is an essential part of the scheme; at least, I imagine the County Council would not have put it in if it were not.

Marquess of *Salisbury*—continued.

3024. Mr. Fletcher Moulton drew our attention on the subject to the valuation of St. Thomas's Hospital?—Yes.

Lord *Farrer.*

3025. Which valuation is it which is to be made; is it the first valuation?—The preliminary valuation.

3026. Is the separation of land and buildings an essential part?—Of course I do not know what the view of the County Council may be, but I only know they put these words in.

3027. Was it a suggestion of the Committee?—No, it was not a suggestion of the Committee.

3028. It was the Council's original doing, was it?—No, not their original doing; it was not in the Bill originally.

3029. But in carrying out the views of the Committee they inserted this?—Yes, as Mr. Cripps told you, by the direction of the London County Council.

Chairman.

3030. If you have any observations of your own to make, we shall be glad to hear them. I cannot help thinking that the more convenient form of giving the Report would be to put it in?—I shall be happy to put it in. I would always much rather give the opinions of a Committee of the Legislature than my own opinion upon any subject. I shall be very happy to put this Report in.

3031. The opinion of the Legislature, or the Members of the Legislature, we have in the Report; your opinions we cannot have, except from you?—I did not know that the Report had been put in. I have nothing which I wish to say further.

3032. I quite agree that Mr. Moulton did tell us something, and perhaps I ought to have suggested to him the absolute relevancy, or otherwise, of what he was saying; however, if you have anything more to say in reply to Mr. Moulton, we will hear you?—No, I have nothing more to say upon any branch of the subject.

3033. Does that conclude all you have to say?—That is all I have to say.

The Witness is directed to withdraw.

MR. ROBERT BRIDGFORD is called in; and, having been sworn, is Examined, as follows:

Chairman.

3034. I THINK you have the management of some large blocks of property in Manchester, have you not?—I have.

3035. Both in the centre of Manchester and the suburbs?—A very large quantity of property in the centre of the city as well as in the suburbs, building lands, and so on.

3036. What is the length of your experience?—Forty-one years.

3037. Are you aware of the charge known as betterment which is sought to be levied on property in London, Manchester, and elsewhere?—Yes.

Chairman—continued.

3038. Have you considered the subject and formed any judgment upon it?—Yes, I have, and have come to the conclusion that it is an undesirable thing to introduce. I think it is very objectionable. It seeks to put a permanent charge upon property for a problematical benefit, and I think that condemns it.

3039. Will you explain your views and tell us why?—In my experience many so-called improvements instead of resulting in a benefit to the properties in the immediate neighbourhood of the improvement have resulted in really a depreciation in value, and certainly without a considerable

Chairman—continued.

considerable time expiring after any improvement it is almost impossible to say what the addition in value would be. I think it is very undesirable to put any more difficulties upon land than at present exist. Where new streets are opened out and where it is expected enhanced values will accrue to properties that are left, we find almost invariably that unless you can put new buildings on the land which is left and thereby utilise it, the position is the same after the improvement as it really was before. There is no doubt, as your Lordships know, a great many properties are already charged with mortgages or annuities, and if you put another charge in front of these, it makes the difficulties all the greater for landowners in dealing with their properties. What I mean is this: I think it would stop development. The object ought to be, of course, to induce as far as possible the improvement of sites by putting new buildings on them, and by that means, of course, increasing the assessment.

3040. I understand the proposition to be this, and perhaps you will give us your view upon it: that the moment the improvement is effected, the land in the market would bear a higher price; a person would give more for it the day after the improvement was completed, and that therefore you are not remitted to the future, but that you have the present value ascertainable at the moment, and in respect of the improvement which has been added to the land or building by the expenditure of public money. That is the proposition. I am not saying whether it is right or wrong?—Of course if it could be clearly demonstrated that there was a real benefit, one could not say there should not be some charge against the property; but it would be, I should say, too problematical altogether until you had had experience in dealing with the property, in saying whether there is any additional value, or if there is, how much.

3041. The assumption of course is, that if the arbitrator to whom the matter is to be remitted, if there is no ascertained and actually completed benefit to the property in its saleable character, would not put anything on it?—True, but I think it would be so difficult to ascertain that it is one of those things that certainly a surveyor ought not to be called upon to do. In my experience so-called improvements, that is, the making of new streets and open spaces, have resulted more in the worsement of properties than in the betterment of them, and therefore I think it is an undesirable thing to introduce at all.

Marquess of *Salisbury.*

3042. In making that statement do you refer to the properties through which the streets actually pass or the properties in their proximity?—The properties in their proximity; properties left after the new streets have been made, and also the properties surrounding open spaces which have been created in various places.

3043. It does not raise the price of properties, does it, but rather diminishes it?—I know cases in which it has depreciated the value of properties left. The latest in Manchester is a piece of land which was formerly the graveyard of St. Ann's Church, which is right in the very centre of the city. Round this yard there was a wall, and facing the churchyard there were shops. The Corporation have pulled down the wall and added the area of the yard to what was formerly a footpath leading between this wall and the shops. Now the shopkeepers are complaining that their trade has been taken away from them because the people, instead of going along the two sides of the churchyard where the shops were, cut across, and the foot passengers, I suppose, do not look into their shop windows at all; therefore, they have missed their casual customers, and their casual customers, no doubt, in time become permanent customers.

Marquess of *Salisbury*—continued.

3044. Custom appears to depend very much, does it not, on passengers not being able to get along too fast?—It depends very much upon people being put near to the windows where the shopkeepers show their goods.

Lord *Tweedmouth.*

3045. In the case of the new streets themselves, I suppose there has been a great increase in the value of new frontages?—In Deansgate the Corporation sought to recoup themselves for the outlay in making the new street, and they bought more land than they required really for the street, thinking that by the re-sale of the land which was left they would really clear the cost, but has resulted in a very heavy expense indeed to the Corporation. The land is not sold, and a very considerable part of the land is still on their hands, although Deansgate was made some 20 or 21 years ago. They did a very foolish thing, no doubt. What they ought to have done was to have taken what they wanted, and left the owners with the remainder, and encouraged them to rebuild and to put on new property. The property owner should be left as free as possible to induce him to use more capital on the land than already used.

Marquess of *Salisbury.*

3046. Would the Corporation have found the benefit of that policy in the increased rates?—Of course they would; the assessment would have gone up, and, of course, they would have got their return in that way.

Chairman.

3047. I gather that you suggest that the improved rent would be rather a discouragement to owners to spend more money on a place than before. You seem to suggest that even on the site of the street itself, or rather the frontages of the street, that if owners were to be subject to an improvement or betterment rate that that would be rather a discouragement than the reverse to erect new buildings and spend more money?—I think it would. Moreover, in cases where properties are mortgaged, and a great many are the mortgagees, would not consent in all probability to having a charge put in front of them, such as this charge is proposed to be, and therefore the mortgagee would look out and say "I must have this property re-valued, or call my money in," which might lead to a considerable cost to the owners, I think.

3048. Has

Lord *Tweedmouth.*

3048. Has the sale of these vacant spaces to which the Corporation looked for improvement, been at all checked by the extravagant prices put upon them by the Corporation?—I do not think so.

3049. Do you think they were offered at a fair market value?—For some years past they have been offered at a very low price indeed; less than the cost in the first instance.

Lord *Egerton.*

3050. I suppose that the effect of the widening of the street had not the effect of increasing the value of the land for shops?—Quite the reverse; it made the street for two-thirds of its length too wide.

Chairman.

3051. There have been two questions raised before the Committee; what do you say about them. It is said, if you make the assessment at once, you would have to be to too speculative; you cannot tell what the value will actually be; and if you postpone it for six or seven years you then leave the property in a state of uncertainty, so that it is very difficult indeed to get anybody to deal with it. What do you say on that subject?—To begin with, to assess the value at once would be next door to impossible, I think, and it is equally undesirable to have the property in suspense for seven years; it would practically, I should say, prevent an owner doing anything with that property for that seven years until he knew what was sought to be put upon the property as a charge.

3052. Is there any intermediate plan which you can suggest?—My view is that the thing should be dropped altogether. I do not see any intermediate plan.

Lord *Farrer.*

3053. Mr. Sington suggested that there should be a special improvement rate subsequently levied on the actual increased value of the property; what should you say to that?—You would have, first of all, to find the improved value and distribute that over a certain number of years, I take it, or put it permanently on the property, as is proposed, by an annual charge of 3 per cent. on the capital sum found to be the amount of improvement.

Lord *Egerton.*

3054. That is not Mr. Sington's plan. It was in the nature of an improved rate, but which varied with the annual rateable value of the property up and down, and that was the equity of it as compared with the betterment rate; that was what I understand to be the contention. That is not what you have been describing, is it. You did not hear Mr. Singleton's evidence, did you?—No; but the difficulty will always be to ascertain how much of the increase is due to this new street and to other sources, because we find fashion changes as to situations for warehouses and shops, as it does with everything else nowadays. I have the books of my predecessors which will show, taking Manchester, that Can-

Lord *Egerton*—continued.

non-street 50 years ago, was the principal warehouse street in Manchester, and produced the highest rentals of any warehouse street in Manchester. To-day, it is only a third-class street. The warehouses changed into another street called Moseley-street, and that became the most valuable street. Then, some 14 years ago, a new street was made, called Portland-street, and the warehouses there being more modern, and being built to suit the then requirements of the trade, the tenants went from Moseley-street into Portland-street, and Moseley-street has been going through a very severe change; there has been a depreciation in the interval, and it remains as to a great deal of it, of 25 to 30 per cent.

3055. Will you tell the Committee, with regard to the evidence Mr. Clay gave as to the new street between Oxford-road and London-road Stations, what is you opinion. Perhaps you have seen that evidence?—Not the whole of it.

3056. He stated that there were certain cottages on one side of the road, and the land upon which they stood was formerly worth 30*s.* a yard, but which would be equal now to about 12*l.* a yard, and that the owner declines to pull the cottages down, or to take any steps to ascertain the value of the property by sale. What is your opinion about the actions of that landowner. Do you think he is quite right?—I should question first of all the fact. I dispute altogether his value of the land. I could not say definitely without inspection what it is, because so much depends on whether the land is overlooked by other properties; but I think Mr. Clay was hardly quite right in putting it before you in the way in which he did, because that street was made at the instance of the late Sir Joseph Whitworth, who gave a large length of it to the Corporation on condition that they would continue the two ends of it; so that the Corporation having got the benefit of a certain length of this street for nothing, it seems a very unfair thing to seek to charge the remaining owners for what they call a betterment afterwards.

3057. But it is quite possible that it would be many years before the assumed improved value of this land would ensue, is it not?—Quite; and what we find at the present time in Manchester is, and I suspect it is the same in other places, that merchants and others will not buy the land and build upon it themselves as they formerly did. The land and the money must go together, and unless you can build for tenants, you cannot get rid of your land. I do not think it is at all a right thing to put on full prices for land, and say that you can sell it to-day by itself, because you cannot. You must utilise capital in the erection of new buildings to enable you to get a fair price for your land in Manchester at the present time.

3058. Supposing land with buildings on it, such as these cottages, you would not value the cottages separately from the land, would you, and then put a value on the land?—No; the cottages have really, except temporarily, no value. Then the owner may be unwilling to part with his property, and incapable of putting on new buildings, and unless you can put on

Lord *Egerton*—continued.

buildings suitable to the site and present requirements, the land gets no additional value whatever.

3059. It would be a purely speculative matter, if anyone purchased the land with the cottages on it, unless he was prepared to build a suitable warehouse or building, at a considerable additional cost?—That is exactly the fact.

3060. There was also the case of the Corn Exchange mentioned. Do you know anything about that?—I do; I was concerned in the early stages of the formation of the Corn Exchange Company for the purchase of the land which they now have, and I think I might put that a little clearer than Mr. Alderman Clay did.

3061. He stated that 3,000*l.* had been paid by the Corn Exchange Company as their contribution to the improvement?—Making it appear that they acknowledged the principle of betterment by paying 3,000*l.*; that was the impression it gave me; whereas the facts are that years ago, long before this word "betterment" was invented, the owners of this property approached both the Corporation and the Dean and Canons with a view to get them to make this very street which they have adopted, and in the final arrangements now the Corn Exchange Company have sold to the Corporation the land required, which is practically back land, at what I consider a good price, 24*l.* 10*s.* a yard. Then they say, "If you make this road, by which we shall get a good road where we have now only a narrow and tortuous passage, we will give you 3,000*l.* towards the cost." That has nothing whatever to do with the question of betterment, but is purely a business transaction which might take place at any time.

Lord *Lingen.*

3062. But if the Corporation had made that improvement, and then afterwards come upon the landlord for 3,000*l.* in the name of betterment, would that have been a different transaction. You say the present landlords offered 3,000*l.* towards the improvement?—Yes.

3063. Supposing the Corporation had made the improvement, and then come upon these same landlords who offered 3,000*l.* for the same sum as betterment, what do you say then?—They would have to take the land from the Corn Exchange people, the same people who, they say, are bettered in that case.

3064. But they would have said, "Your land is bettered"; and supposing the present Manchester Bill had passed, we may assume, for the purposes of my question, they would have recovered betterment from them. There would have been no difference in principle in that transaction, would there?—There is this difference, that they have to buy the land from the Corn Exchange people, from the very people they say they are going to better; they do not buy the land from a stranger.

3065. But did they want the land in order to make the street?—Certainly, they cannot make the street without going on that land for it.

Lord *Farrer.*

3066. They sold some land for which they were paid?—True.

3067. And then they paid, in addition, something for the improvement of the remainder of the land, I understand?—The Corn Exchange people paid 3,000*l.*, being their original offer, that if the Corporation improved a street they would contribute so much money.

3068. But that was because it improved the property which they did not sell, was it not?—It makes an improved frontage to the property, of course.

Chairman.

3069. What do you say about the question of worsement being involved in the question of betterment?—Many properties are worsened by street improvements; and if the principle is admitted, or it can be shown there is a betterment, surely where the property is worse than it was before, there ought to be compensation paid to those who suffer damage.

3070. It has been suggested as a possibility of getting rid of the difficulty on both sides that where the municipal authority claim that their action had bettered the property to a certain extent, it should be at the option of the owner to say "then take it at that value"; what do you say as to that?—I think, certainly, that that option ought to be given to the owner. If the Corporation as a body, taking the property, come and say, "Your property is bettered by what we are going to do," the owner ought to be able to say, "If you think so, take the property."

Lord *Tweedmouth.*

3071. At what value, at the bettered value or the original value?—The original value, subject to the value being found in the ordinary way if they cannot agree.

3072. It has been suggested here that the value should be the original value, *plus* that portion of the bettered value which you give to the public body; do you think that would be fair?—You could not say the value should be so ascertainable.

Chairman.

3073. You do not think that would be just, do you?—I do not, my Lord.

3073*. Have you considered that if betterment was permissable at all, under what conditions it ought to be permitted?—I do not think, my Lord, that the charge, assuming that the betterment principle is admitted, should be a permanent one. I think that it should be under revision from time to time, because values change, as I say, frequently, and the value of to-day may not be the real value seven years hence; therefore I think it should be subject to revision, with power to the owner to buy off at the last price, or when the owner chooses, in fact; but not necessarily, of course, at the first price fixed, because on revision the first price fixed may be found to be wrong, which very often would prove to be the case, I think.

3074. Would

Lord *Zouche.*

3074. Would you have a permanent charge subject to revision, or should it be a terminable charge to come to an end in a fixed number of years?—A terminable charge. A permanent charge, subject to revision, would increase the annual charge if the charge were to include interest and redemption of principal. There would be no objection to that, but it would be all the more necessary that this charge should come after every other charge, and not in front of existing charges, otherwise it would make the landowner's position worse than it is to-day. Where there are charges, and mortgages, and so on, on properties, if you put another charge in front of those, it would create a very serious difficulty.

3075. In your opinion, is it always a difficulty in assessing a value for betterment for the valuer to say exactly how much value is due to the public work or not, or can that practically be done without much difficulty, do you think?—I think myself it would be very difficult to apportion the improvement between that which is due actually to the new street and that which is due to other causes.

3076. And that difficulty would always be present, would it, in your opinion?—It would; and it appears to me that it is very important to leave the owners of property free to erect new buildings so as to improve the district, and to improve the assessment. Therefore the freer he is left the better. The demands of tenants day by day become greater, making the landlords position worse, and therefore I think he should be kept free from unnecessary conditions and charges. These improvements are for the whole district. They are not done at the instigation of the landowners or those who are said to be bettered; the improvements are made for the general public, and it appears to me that the general public ought to pay.

Chairman.

3077. I think you have given us instances already in which streets in various localities change and other streets open up, and so on. If the charge were permanent do you think that a permanent change in the character of a street ought to be considered, and the question of the assessment of the supposed bettered property opened up again?—I do. I think it should be under revision, say, over seven years.

Lord *Farrer.*

3078. I think you said before that you would enable the owner to buy it up at any time; if it were changeable in that way, on what footing would it be brought up?—It would be at the option, of course, of the owner, to buy; and he would naturally take it if inclined to buy at all at the last revision.

Lord *Egerton.*

3079. I suppose the object of that would be that as long as the property improved in value, there would be no objection on the part of the owner to pay the betterment rate, but if it depreciated in value, then, after its being revalued at the lower value, he would purchase at the lower value?—True.

3080. And that would be the only inducement, would it not, for him to do so?—Exactly; because the lower value would be proved to be the right one.

Lord *Egerton*—continued.

Earl of *Onslow.*

3081. In the case of Deansgate, where the Manchester Corporation were wrong as to their calculations of value, and have land still on hand, did they pull down the houses, and compensate the existing trade interests?—They did.

3082. Do you think they would have been in a better position if they had allowed the houses to remain standing and continued the rents?—Decidedly; I think they would have been in a much better position if they had left the owners in possession.

Lord *Egerton.*

3083. They could not on one side, because the street was widened, was it not?—They bought land on both sides of a portion of the new street.

3084. Then it was not necessary to pull it down on both sides, was it?—I do not think so in all cases, but in some cases it was necessary.

Earl of *Onslow.*

3085. But where they might have left the property standing, do you think they would be in a better position now?—I do.

3086. Do you know whether they had power under their Act to retain the existing buildings and the existing tenants, or were they obliged to pull down?—They would not be obliged to pull down, certainly, and they need not have applied for the power at all. It had never been given to them before.

3087. Do you say they were not obliged to pull down?—They were not obliged to pull down.

Chairman.

3088. What Act was it?—Power was got in a special Act to make this Deansgate wider than it was before.

3089. Do you mean that the Act did or did not give them power to hold land other than for the purposes of the improvement itself?—It gave them power to take more land than they required for the improvement, and then to resell the balance.

3090. Did it?—Yes, it did, my Lord.

3091. But not to hold, did it?—Whether to hold or not I could not say, but I think it left them with a free hand.

Earl of *Onslow.*

3092. That is what I asked you, whether they were compelled to pull down, and you said they were not?—They were not compelled to pull down.

3093. You are quite clear upon that, are you?—I am quite clear upon that; but whether they were compelled to resell, or ultimately to build upon it, I do not know.

Chairman.

3094. Can you give us the reference to the Act?—I have not got it, but I can send it to the Committee.

3095. What is about the date of it?—It could be about 20 or 21 years ago.

3096. I think one of the witnesses said that some of these properties had been unlet for a whole 20 years, and that would be probably about the time it was passed?—Yes.

3097. Have you anything to say about the mode in which the value should be ascertained, or before whom it should be tried?—I think it would be better that there should be a permanent assessor.

Marquess of *Salisbury.*

3098. Will he be the valuer?—Yes, I think it should be a permanent appointment.

3099. Then would you exclude skilled expert witnesses?—I take it that the owner and the Corporation should each be allowed to act as they choose in trying to arrive at the value; but the judge or umpire, I think, ought to be a permanent assessor who devotes the whole of his time, as it were, to the duty, and not an umpire sent down by the Local Government Board, first one person and then another; but I would give the assessor power to employ an expert if he thought fit.

Earl of *Onslow.*

3100. When you say "devote the whole of his time," what do you mean?—That it should be a permanent appointment.

3101. Do you mean he should not be allowed to take any other work?—Yes.

3102. Do you think that the betterment schemes, even in London, would occupy a man's whole time in assessing value?—There would be all the towns in the country besides London.

3103. But do you think that the same valuer would be capable of valuing property in all parts of England?—I do, sitting as judge or umpire with the power to employ skilled witnesses, or any practical man whom he chose, in any district where he thought he was not fully competent.

3104. You mean, do you, with power to call evidence?—Yes.

Marquess of *Salisbury.*

3105. Would he be paid by the local authority?—He would be paid by the authorities here; it should be a Government appointment, I think, and no charge made to the property owner at all, so far as he is concerned.

3106. Perhaps that proposition would not be received with enthusiasm by the Exchequer?—They would object very strongly to anything which means more money, I know.

Chairman.

3107. Do you think it would be at all desirable to allow the municipal authority to assess the betterment charge, and without any further judicial inquiry, make that charge, unless there was an appeal?—I do not see quite how you are to avoid the municipal authorities stating what they think is the value of the betterment.

3108. The question is, whether that is to be operative as a charge, unless there is an appeal from each owner?—There ought to be an appeal from each owner, certainly.

3109. Supposing he does not appeal, is the charge to be acquiesced in and assessed as the charge fixed upon property?—I presume so, given a reasonable time within which the landowner had the power to object, and it was seen that he or his agent, or solicitor, was served with a notice of what it was proposed to do. There ought to be some evidence that the owner has been communicated with in the first instance.

Marquess of *Salisbury.*

3110. Would it not be better if he was served with that notice before the Bill was considered which gave power to charge him?—Yes, it would.

3111. As you do in the case of compulsory purchase under the Lands Clauses Act?—I take it for granted that the authority having decided to make a new street, it would be compulsory upon them to give notice to all the owners whom they were going to touch at all.

3112. Either in the way of taking their property, or of charging their property, do you mean?—Undoubtedly.

The Witness is directed to withdraw.

Mr. JOHN ROBINSON ADAMS is called in; and Examined, as follows:

Chairman.

3113. You are acquainted, I think, with the system of betterment in New York, are you not?—I have made as much inquiry into the matter as I could, and got my information from a solicitor in New York who is personally engaged in dealing with the matter; but only in that way am I acquainted with it.

3114. Has it been only for the purpose of theoretic inquiry, or have you been practically engaged in any of these matters yourself?—I have not been practically engaged in any of them. I have made inquiries in consequence of the public discussions of the matter which have

Chairman—continued.

taken place in this country since the County Council took the matter up, it being stated by them that they base their action or proposed action upon what is done practically in America, and particularly in New York.

3115. There was a large experiment of the kind, if I may call it an experiment, made in New York, the facts of which you have made yourself acquainted with, I understand?—That is so, my Lord. It is called the College-place widening. That was a case where the estimated expense of widening came to a million and a-half of dollars, and the authority in New York which

Chairman—continued.

which has charge of the matter, as I gather from my correspondent's letters (if I may use the expression) arbitrarily fixed a million as the proportion which should be borne by that particular area, which they call the area of special benefit, leaving a half-million to be borne by the general taxation of the City of New York, which taxation is not merely on realty in New York, but also on personalty to the extent of between a fifth and sixth of the whole burden.

Lord *Farrer.*

3116. Is that charge levied on the capital value?—On the capital both of realty and personalty.

3117. Not like our rating on annual value?—No, on capital value.

Chairman.

3118. The capital value of both, as I understand you, both realty and personalty?—On the capital value of both. The capital value in 1891 of realty was 1,785,857,338 dollars; or, put into English money, 292,850,000*l.*; and the capital value of the personalty was, in English money, about 65,000,000*l.*

Lord *Farrer.*

3119. That must be perfectly absurd, must it not?—I have no doubt it is; but still those are the figures with which they deal, and the taxation upon that for State purposes,—that is for the State of New York, and for the expenses of the City in English money comes to 6,750,000*l.*, and is represented by a charge of 1 dollar 90 cents per cent. of the value charged. That seems to me to be one reason why betterment, or what we call "betterment," and what they call "assessment for special benefit," is adopted in New York, because of the large amount of personal property which cannot directly benefit by an outlay in a street improvement.

3120. The personal property being assessed at a sum infinitely below its real value?—I should certainly say so from the information I have received; absurdly below; and I should think the realty not so absurdly below, but very far below its real value. I do not know anything particularly as to this, but I have seen in a publication, I think, the "The Review of Reviews," some mention of property in Chicago charged in the same way; names were given, and particulars of property, which showed that it was simply absurd, and that the charge was not anything like what it ought to be. It is done in a very rough-and-ready manner; I am told the assessors merely go round and look at a house or property, or whatever it may be, and assess it at a certain sum; the assessment is made on the owner. If he does not object no more is said, if he thinks it is too much he makes an objection, which is carried to the law courts and fought out. I have cases here, relating principally to personal estate, where that has been done.

Marquess of *Salisbury.*

3121. Is personal estate, furniture, diamonds, pictures, and things of that kind?—Yes. I understand the assessor looks at the house, and, from the character of the house, and what he knows of the individual, assumes, what is the value of the contents and his personal estate generally. With reference to the particular case, I sent to the Committee Clerk a plan of New York, with a sketch. I sent the plan itself because it is so coloured that I did not like to meddle with it. If your Lordship will allow me I will explain it. The improvement in that case was a continuation of *that* street through different intervening blocks down to *this* red line, which is another street with tramways upon it and a widening of the intervening space *here* from 25 feet to 80 feet, carrying a new street that far of 80 feet wide. Your Lordship sees the street ends *here*, and the improvement was to carry it through till it met *this* red street for a pretty obvious reason, namely, that it makes a thoroughfare from South Fifth Avenue. The property, of course, had to be bought for widening on this side, and for carrying a new roadway through *there*. The cost of doing that is estimated at a million and a half dollars. A million dollars was proposed to be placed on this area, roughly taking Canal-street, the north side of it being included, and the east side of the Broadway down to *this* point; and it has this curious effect, that going down the Broadway it touches *that* triangular building, which is the United States Post Office. They have levied a sum of money upon the United States in the name of improved value on the Post Office. They have also taken property from the City of New York as a corporation; they have paid them for the property they have taken, and charged them with betterment, as we should call it, upon the property which they consider to be improved in value. But what I should like to tell your Lordships is this: that it is not betterment in the same sense as the word is used here by the County Council. It means, as I am informed, simply this; the million is first of all required to be got out of this triangular area which I have shown your Lordship on that map; and my informant, Mr. Lord, solicitor of New York, tells me that the commissioners began in this way; they took each of the rectangular blocks of property which you will see on the map, and as I understand was explained by an American gentleman to your Lordships a few days ago, starting from the point of improvement, and taking it in zones they have put roughly what they think is the improvement value on each block first of all. Then they took the properties which are included in that block, and proceeded on the same principle to divide that amount amongst the different property owners. Now it seems to me that that is quite contrary to what the County Council propose. I do not mean to say that there is no inquiry as to whether a particular property is or is not in fact bettered, but the princeple is that a certain sum of money is to be got out of a certain area, and it is got by means of that subdivision of the original amount, and a division amongst the persons who are interested in that area.

3122. It is the principle on which the land tax is raised in England, is it not?—No doubt, the principle really of an improvement rate, but instead

Marquess of *Salisbury*—continued.

of being so much in the £. over a particular area, it is taken at so much on the capital value of each particular property included in the area, charging less upon those blocks which are furthest away from the scene of improvement; it assumes that all that area is improved, but there is no attempt to show that it is; and my correspondent tells me that as a matter of fact it was not improved; it was assumed that the City generally, and not the particular area, was improved; and yet in what I call an arbitrary manner for this purpose, the cost of the improvement to the extent of two-thirds is put upon this area.

3123. Was this done by their own authority, or had they an Act of the local Legislature for the purpose?—I think there is an Act of the local Legislature, but there is a general Act relating to New York which deals with most of these matters. The thing is actually done by three Commissioners.

Lord *Tweedmouth.*

3124. Do you think this is a fairer system than that proposed by the County Council?—Certainly, because it avoids, in my opinion, an inquiry which practically can result in nothing but dissatisfaction, whether the particular property is bettered, or rather the extent to which it is bettered.

3125. Then do you approve of the principle of betterment?—No.

3126. Do you think this is merely the less of two bad systems?—If a system is to be adopted at all I think this is the one which should be adopted.

3127. You think it is the less bad of the two, do you?—Yes; I have heard the question discussed over and over again both in the Committee rooms of the House of Commons and in other places, and I certainly subscribe to the view that it is next to impossible to apply betterment in the way in which it is proposed to apply it by the County Council.

3128. What do you think of the system adopted in New York?—I think that is better than the other, but I do not agree that either of them is what ought to be done.

Chairman.

3129. But as an alternative you think it is better than that put forward by the County Council, do you?—If betterment is to be adopted then I should prefer the New York system to the proposed London system.

Marquess of *Salisbury.*

3130. I suppose it gives less opening for private personal malversation or corruption than the English system would?—I do not put it on that ground, my Lord; I should put it on the ground that you are asking a man to do that which is impossible for him to do. If you start with a million on the area I have shown your Lordships it is comparatively easy to say how much of that million it is fair to put upon this or that block, and again, when you subdivide it, is comparatively easy to say that there are various properties here; those ought to bear 50*l.*, and that 100*l.*, and so on. It does not seem to me to involve a speculative inquiry as to whether there is or is not in fact an improvement or the contrary.

Chairman.

3131. I am not quite certain I follow you. In that view, taking the million, we will say, and distributing it over a certain area, do you propose to do that at so much per square foot, or do you suggest that the persons who have to determine that question have to look into the individual circumstances of each property included in that area, and say whether that ought to bear a lesser or larger charge?—The latter, no doubt.

Marquess of *Salisbury.*

3132. I understood you to say that zones were taken, and there was a square foot charge made on each zone?—No; I said zones were taken, and the property nearest bears the largest portion of the charge, and that which is furthest away the least.

Chairman.

3133. Is that on the hypothesis that the property which is nearest benefits most?—Certainly.

3134. Do you think that is true?—I do not think so at all. I am telling your Lordships what I gather is the principle adopted in New York.

3135. I quite understand; you are not an advocate of it at all?—Certainly not; I think it is quite possible that property at a distance may, in fact, be benefited more than property near.

3136. I do not quite understand your reasoning as to its being bettered; there is the same difficulty, is there not, in what you have just said?—There is the same kind of difficulty, but not to the same extent. I think it would be impossible to take any particular house within any of the areas on the proposition of the London County Council, and sit down to enquire how much in the way of annual value that property either will be or has been increased for a permanent purpose I think most surveyors would tell your Lordships that they think that a sum might be put upon it, but I do not think any of them would say that that is a sum which will permanently remain as the additional value.

Lord *Lingen.*

3137. But would not that permanent sum, if it was more than a guess, pre-suppose an individual valuation?—No doubt, whether it was a guess or not, I presume it would include an attempt at valuation.

Lord *Farrer.*

3138. Does not the New York plan create two injustices instead of one, if it is an injustice; is there not first the assumption that this particular area will be benefited to a certain extent?—That is so.

3139. Is that an assumption that can be made with

Lord *Farrer*—continued.

with any degree of positiveness or certainty?—I do not think it can; it is purely arbitrary.

3140. Very well then; you have that in the first place which does not exist in the plan of the London County Council?—I think not, I think the plan of the London County Council proposes exactly the same thing.

3141. That particular injustice does not exist in the particular plan of the London Council, does it?—I think so, or I misunderstand the plan. I understand the London County Council do mark out an area within which they say the betterment either will or may accrue.

3142. But they do not fix any sum that is to be collected from that area, do they?—They do not; and I think that is an advantage.

3143. Do you mean an advantage that they should fix, do you mean?—Yes.

3144. But you say, I understand, that there are no means of fixing it properly?—I do not think there are; but I think it is much better to deal with a definite figure than with an indefinite one.

3145. If you distribute this sum amongst the individual houses, have they not the same difficulty which the London County Council would experience?—No doubt, there is the same kind of difficulty; but not the same kind of difficulty, as I maintain; that is to say, you begin with a million, and you cut that down by, say, a hundred blocks; and then you begin to deal with each particular block, so that you have a comparatively easy thing to do, it seems to me, to divide a moderate sum between the particular plots of property included in what is called a block.

3146. Do you think the London County Council plan would have been better if they had said, we propose to raise 20,000*l.* from the area, and it must be assessed on all the houses within that area?—Yes, I do think so.

3147. Do you think it would have been a better plan?—Yes.

3148. It would have been a much better plan for the Council, would it not?—Practically that is their plan, as I understand. They say that a certain portion, I think it is one-half of the cost of the improvement, shall be gathered within a particular area.

Lord *Tweedmouth.*

3149. No; that one half of the increased value shall be intercepted for the benefit of the general public body?—I have not looked into it carefully then; but I think the original proposition when the Strand Improvement Bill was brought in was that half the cost of that improvement should be placed upon the area which they defined in the schedule to that Bill.

3150. I do not think there was anything of the kind?—I may be mistaken.

Marquess of *Salisbury.*

3151. That was so, certainly, was it not, in the case of the Cromwell-road Bridge Improvement?—I think so, my Lord. I have not looked very carefully at the particular Bill on that ground.

Chairman.

3152. There seems to be some misunderstanding about the Strand Improvement Bill; I am not certain we have it accurate yet?—That was the impression I formed, but it is a long time ago now.

3153. I see this passage in the Bill: "There shall be a rentcharge, to be called the Strand Improvement rentcharge, which shall be fixed, ascertained, charged and payable in manner hereinafter described. But the total of the Strand improvement rent charge shall not be of any amount which when capitalised on such basis as the standing arbitrator may deem reasonable, shall in his opinion exceed one-half of the cost of the improvement." Is that what you are referring to?—Yes.

3154. It is a limit, is it not?—It is a limit. With regard to the Strand improvement, I might tell your Lordships one case I know of personally. The improvement was taking away what has been called the island in the Strand, and making the north side of Holywell-street the north side of the Strand. I happen to know, as the deeds of the property passed through my hands, that an owner of the property on the north side of Holywell-street, a Mr. Fowler, who was a member of the Metropolitan Board of Works, had let some of the shops on that frontage with an actual provision, that if and when the north side of Holywell street became the north side of the Strand, a very largely increased rent should be payable; in one case, I think, it was raised from 200*l.* to 600*l.* per year. Now, there is undoubtedly a clear case where an owner does get a benefit by an outlay made by the public. Of course, there may be more ways than one of dealing with that. One would be giving the County Council power to acquire that property for the improvement at its value, when it was Holywell-street and not the Strand. On the other hand, the owner might desire to keep it and say, "Instead of selling it to you I should prefer to keep it myself, and pay you under whatever name you please, 'betterment' if you like," pretty much on the same footing that the Corn Exchange people in Manchester have done in respect of the improvement there. I think that is a sort of thing that ought to be left to the option of the owner. There may be reasons why he would be willing to part with the property, or there may be reasons why he should wish to keep it, but I should say it would be obviously unfair in a case of that kind that the property owner should put into his pocket some 400*l.* a year, twice the original annual value of the property. But those cases, in my view, would be very few and far between, and would be covered by Holywell-street, and, possibly, a little further along the widened Strand. But as to any improved value, that could be ascertained in other parts of that area, I look upon it, to use a plain word, as absurd.

Earl of *Denbigh.*

3155. Do you think that it would be almost impossible to lay down any sort of general principle on which to settle this controversy, or that each case must always be judged upon its particular merits?—I do

Earl of *Denbigh*—continued.

I do not see any way of laying down any general principle; it seems to me that there is no choice between the system which is adopted in New York and the system which the County Council themselves propose; either you must make a big assumption to begin with, and work it out as fairly as you can, or you must deal with the individual cases.

Lord *Tweedmouth.*

3156. What do you think would be the proper course for a public body to adopt to raise the money necessary for improvement. Would you have a general improvement rate spread over a large area?—That would depend on the particular case. In the case of the Strand, with the exception of a few instances, I should say that that ought to be spread over the whole of the Metropolis. I do not think it is conceivable that much improved value would accrue to the property in the immediate neighbourhood.

Earl of *Denbigh.*

3157. With the exception of the houses in Holywell-street?—Quite so.

Chairman.

3158. Or places similarly situated?—Yes; that is an instance, no doubt.

Lord *Zouche.*

3159. Would you call that a very rare instance?—I think so. I have never come across it before or since. I have been in practice in London now for about 30 years, and I have had title deeds to properties in and about London through my hands very extensively.

Chairman.

3160. I think there was something peculiar about that case, was there not, in this; that the north side of Holywell-street was being rebuilt and improved just about the time when it was thought the Strand improvement would take place?—The north side of Holywell-street had been to a considerable extent rebuilt and improved by the Mr. Fowler I mentioned.

3161. Large shops were made, and so on, which would have been appropriate to the Strand if it became the north side of the Strand?—No doubt that is so. Mr. Fowler looked forward, no doubt, being a member of the Metropolitan Board of Works, to sooner or later being able to bring the improvement about, and so better himself. I do not think he had any idea of the subsequent attempt to apply betterment taxation, or betterment assessment to him.

Earl of *Denbigh.*

3162. May I ask if you agree with what was stated by Mr. Tewson, I think it was, that because a street is widened, it does not at all follow that it is improved, and that a tradesman might very much prefer to be in a narrow street than a wide street?—I quite agree with him, but then I have not the same reason for saying so that he has. He is a land agent, auctioneer, and land valuer, and has special grounds.

Earl of *Denbigh*—continued.

3163. He was stating what his experience was with regard to the occupiers of the houses in the different streets?—I have no experience of that kind to guide me, but, speaking offhand, I should say that that was probably so. I know that at the time the Strand Improvement Bill was before the House it was pointed out to me by one of the witnesses, I forget who, that Bond-street was a much more desirable street than Regent-street; that the shops in Bond-street let for much higher rents; and the reason was that the people walking down Bond-street would practically see both sides of the street at once; but in Regent-street they could not do anything of that kind.

3164. Therefore, if the Strand was widened, the houses on the southern side would be rather decreased in value than otherwise, would they not?—That was the case put forward.

Duke of *Norfolk.*

3165. And that especially so, because the other side would be brought into a competition which at present it does not exercise?—I should not think that the competition was of much consequence. I do not think you would persuade the people, however wide the Strand was, to walk along the north side, so long as they could get along on the south.

Chairman.

3166. Competition is rather an argument, is it not, in the other direction, because that which it supposed to constitute the value of the Bond-street site is, that people can see the shops on both sides?—So I am told.

Duke of *Norfolk.*

3167. Therefore each side profits; but if one side was shut up the other side would profit more, would it not?—In the Strand, I should think that nine out of ten people would continue to walk along the south side, and for the very good reason that a great part of the day that side would be in shadow. The point I was going to mention was this: that so far as my individual opinion goes, I think that property some little distance from that widening would have benefited much more, for this reason, that the Strand, after all, is a means of approach from east to west, and from west to east, and many people might go through a widened thoroughfare if they could get comfortably through into the City, and City shops might benefit by that, whereas now the people stop short at the west end of the Strand, hopeless of getting through the Temple Bar block. There is one point I should like to mention. I do not know what copy I have got of the Tower Bridge Bill, but I think it is the original Bill of this Session. The 35th Clause is the betterment clause, and, I may tell your Lordships, that I have taken, perhaps, a good deal of impertinent interest in this matter, so far as the County Council is concerned. Mr. Harrison I know very well, he is a leading man

Duke of *Norfolk*—continued.

man amongst them, and I have had various communications with him with reference to it, and have made some suggestions to him, some of which the "Times" did me the honour to print. I sent to Mr. Harrison amendments to the 35th Clause which seemed to me would, if betterment was to be adopted, lessen the objection to it, and I believe that Mr. Harrison sent to Lord Hobhouse a copy of this clause. In substance it amounts to this, that the clause should be amended so as to include worsement as well as betterment; that the area within which either betterment or worsement is to be assumed to exist, should be settled in the first instance by the tribunal which is ultimately to settle the amount of the betterment charge, if any; and that the tribunal that should do this should be the Railway Commissioners, or some body of that kind, quite independent of the London County Council. I only suggested the Railway Commissioners because it is an existing body comprising one of the judges of the land, and two gentlemen as to whose ability and impartiality, I suppose, no one would suggest any doubt. But any similar body, whether created for the purpose or not, would answer the purpose which I have in mind. I think the third and main point is that the cost of the inquiry should be borne by the County Council in any event. This is an entirely novel proceeding, and I think it would be a very great hardship on any man who happened to own property which, so to speak, was attacked by the County Council, to put him on his defence at his own cost. I also touch in that amendment on the point mentioned by some of the witnesses to-day, that is, as to the expenses of the expert witnesses, if called. The suggestion I made, was that the professional advisers and witnesses of the parties other than the council should be paid on the same scale as the council paid their witnesses. I happen to know from experience, as your Lordship in the chair knows, the difference between the way in which the professional advisers, solicitors, and surveyors of claimants and companies are treated in compensation cases. We had it to-day that the taxed costs form a very small proportion of the actual costs incurred. That may be all very well in cases where a man is going to receive money, but in cases where the result of the inquiry may be that he is to have a charge put upon his property, I think he ought to have the assistance of all advisers of a professional nature that may be necessary, and not at his own cost. That amendment is in the possession of the County Council; Mr. Harrison intimated that he did not think it was at all likely to be acceptable to the council; but there it is.

Lord *Farrer*.

3168. Would you then fix no area by the Bill itself, but leave the area to be fixed entirely by the tribunal which is to settle the betterment?—I do not think it would be necessary to fix it in the Bill. My idea is that that the Council should, after the Bill was passed, make out what they considered would be the betterment area. People within that area should have notice of it in some

Lord *Farrer*—continued.

way or other, and the tribunal should sit to decide, in the first instance, what was a reasonable area to include.

3169. Would not you give persons notice so that they might oppose in Parliament?—No, I think not; the cost of opposing in Parliament is a very serious one; whereas a man might appear before a tribunal himself without professional advice at all, and say, "I do not think it is reasonable that my property should be included in this area."

Lord *Thring*.

3170. Why should you not give him the option of appearing before Parliament then. The way of appearing before Parliament in such a case is that they hold a meeting and the whole of the people within the area combine together to appear by a particular counsel; why should not they have that option?—I do not propose to take that option away from them if that is thought better; but I should have thought the other the simpler course.

3171. Then you do not object to the area of betterment, as it is called, being scheduled to the Bill?—I do not object to it except if that area is to be the subject of contention it means a contention in which great expense will be incurred. The parties may not all agree, and may not all have the same interest.

3172. That may be, but you know as well as I do that in opposing a Bill it is not always the parties that have to pay the costs of opposing, but other people take up these matters for them?—It has not been, I may say, the practice to oppose Bills for public improvements. It is, I think, I may say an entire novelty, and has only arisen since betterment was attempted, and that is one of the things pointed out by one of the Commissions as an objection.

3173. That is the very reason, is it not, why opposition should be put forward in Parliament. If people are to be charged surely they ought to have an opportunity before the Committee of meeting that charge?—Quite so.

Chairman.

3174. One difficulty suggests itself: where you are dealing with an opposition in Parliament it is difficult to combine where each particular householder may have a different interest to his neighbour, is it not?—That is what I have tried to put.

Lord *Farrer*.

3175. Your object is to cheapen proceedings, and you think it would be better to do so before the tribunal you suggest than before Parliament, do you?—Yes. It comes to that. May I quote a passage from an article which I contributed to the "Law Quarterly Review," of July 1893. "There are great practical difficulties in working out the idea, and local opposition to improvement schemes might be increased by the adoption of the principle." That has been proved to be so; all these schemes of the London County Council are hotly opposed not because the schemes are not in themselves desirable, but because they include the betterment question.

Chairman.

3176. Is there anything else you desire to say?—One thing I should like to say is, that I think it exceedingly objectionable that matters of this kind should be left to a single arbitrator, and especially if that arbitrator is a surveyor. I have got out for another purpose a considerable amount of material showing how unsatisfactory a tribunal an arbitration is. Only last night, in looking through the latest number of the "Land Agents Record," I came upon a compensation case in Cheshire, in which there were five witnesses called for the claimant, who gave various sums from 18,000*l.* to 20,000*l.* as the compensation which they claimed on his behalf, the average of the five being 18,575*l.* On the other hand, the company's witnesses, who were only three, give figures of between 8,000*l.* and 9,000*l*, with some small additional sums, in case there were no accommodation works, and their average is 9,500*l.*, so that the claimant's witnesses ask just twice as much as the company's witnesses. But the point that seems to bear upon what your Lordships are considering is with reference to the items for severance and damage generally, and those show a very much greater disparity. The average of those five witnesses on those heads is 6,845*l.*, and the average of the company's witnesses is 2,340*l.* There the claimant is claiming three times as much as the company's witnesses admit, and the inference I draw from that is that this expert evidence about which we hear so much is of a very unsatisfactory nature. The award in this case has not been given.

3177. You cannot say that it is a division by two?—No, but I think I can make a very shrewd guess what it will be, but it shows that a tribunal of that sort is very unsatisfactory; and that is why I venture to suggest that if a plan is adopted at all, it should be a tribunal of three people, one of whom, at any rate, should be conversant with the rules of evidence, and the others might be such men as there are on the Railway Commission; otherwise I think the chances are that very great injustice will be done. I mentioned in the article I referred to just now a case of pure worsement.

Marquess of *Salisbury.*

3178. Have you any knowledge of what the cost on either side was?—I have no knowledge of it, but I should say it would be a very large sum, because these gentlemen are paid upon the amount awarded. There are five witnesses on the one side and three or four on the other, who are paid upon what is called Ryde's scale which depends not on the sum they give in their evidence, but on the amount which is given by the arbitrator.

Lord *Farrer.*

3179. Are the witnesses paid by commission then?—Yes; the witnesses are paid by a commission on the amount awarded.

Marquess of *Salisbury.*

3180. That is to say companies' witnesses who try to reduce the amount are still paid in proportion?—They are paid in proportion to the amount

Marquess of *Salisbury*—continued.

which the arbitrator gives. They are not paid by the results of their own evidence, but by the amount which is fixed by the arbitrator.

3181. In proportion as they fail, they are paid, are they?—That is so; your Lordship may take it in this case, the arbitrator will give some figure between the amount claimed and the amount admitted.

3182. Some figure which will properly recognise the merits of the witnesses on both sides?—That is so; I wish to mention a case of worsement, pure and simple. It is the case of the North Metropolitan Tramways and Spitalfields Market. When the North Metropolitan Tramways were authorised, there was a special clause put into the Act of Parliament at the request of the owners of Spitalfields Market, and upon that an inquiry took place as to whether they were injured by the tramway, and if so, to what extent. The surveyors for the claimant in that case claimed 54,858*l.* as the money value of the damage done to him, and the surveyor for the tramway company said there was no damage at all. The arbitrator gave 6,000*l.* That is a case of pure worsement; and I again say it goes to show that an inquiry of this kind ought not to take place at all, but if it does take place at all it should take place before a very different tribunal.

Chairman.

3183. What do you say to the suggestion of Mr. Baumann that there ought to be an option of taking a jury?—I do not think a jury a satisfactory tribunal in this sense.

Marquess of *Salisbury.*

3184. Is not the evil rather on the part of the witnesses than the tribunal?—It is; and that in consequence of the way in which they are paid.

Lord *Thring.*

3185. Are they so paid by law?—No, my Lord. In the earlier days it was a subject of very great difficulty how to remunerate these professional witnesses; they very naturally opened their mouths very wide. The companies, who are, generally speaking, willing to pay very liberally, thought that too much was being demanded, and ultimately Mr. Ryde, the eminent surveyor who is now dead, who represented several of the railway companies, drew up a scale, which has ever since then been used as the means of ascertaining what each witness shall get. A man may come and say the property is worth 10,000*l.*; the company's witness may say it is worth 5,000*l.*; the arbitrator gives 7,500*l.*; then, with the 7,500*l.*, you turn to this scale and see what each witness gets. And it works in this way. Of course, so far as the company's witnesses are concerned, there is no difficulty, but the taxation of the claimant's costs takes place, and the Master does not trouble himself about Mr. Ryde's scale, but allows what he thinks fit; but all these gentlemen, before they consent to act as witnesses for a claimant, knowing the risk as to what the

Master

Lord *Thring*– continued.

Master will allow, have a bargain with the claimant that whatever the result is they shall be paid on Ryde's scale, so that the result may be that a very large part of the compensation awarded to a claimant may go in paying his witnesses, and so on, beyond the amount allowed by the Taxing Master. In this case, where the award was 6,000*l.*, I am told the claimant did not get a farthing. On those figures, as your Lordships understand, there was litigation, and in the result I think the man got no money at all.

Lord *Thring.*

3186. Then the result is that the higher the sum awarded the more the witnesses on both sides are paid, is it?—Yes.

Lord *Zouche.*

3187. Are expert witnesses supposed to have a greater effect on the mind of the arbitrator than an ordinary witness?—I do not know what they are supposed to do. If you have a surveyor arbitrator, with five surveyors called on one side and five on the other, he does not seem to trouble himself in the long run with what they have said, but takes his own view.

3188. The arbitrator, I suppose, would know how much value to attach to the evidence of an expert witness, would he not?—Yes; but your Lordships will remember this, that in that particular case the arbitrator is arbitrator, and in the next case he may be a witness.

Chairman.

3189. Besides that, I suppose there is something apart from these influences you have hinted at, namely, that where you are dealing with the value of a particular property, a person who is of some reputation and is familiar with that class of property, and indeed with the individual property perhaps, is naturally and justly of greater value to an arbitrator than a person who is brought from outside, and knows nothing about it?—No doubt, but generally speaking, the witnesses are on a par as far as that is concerned.

Chairman—continued.

3190. In dealing with London property you get generally some gentlemen acquainted with London buildings and the value of property in London, do you not?—Yes.

3191. Although that is expert evidence in one sense, it is evidence of fact which no tribunal can avoid taking, is it not?—Of course it cannot help taking it, but whether it weighs at all in the mind of the arbitrator in a particular case I cannot tell.

Marquess of *Salisbury.*

3192. Would it not be an equally satisfactory plan if some eminent man was selected by the tribunal, and his evidence taken, he being paid either locally or by a fixed sum previously arranged, so that there should not be this competition of paid evidence on each side?—No doubt, if the man could be found.

3193. Have you any knowledge of the way in which expropriations are conducted in France?—No. I do know that in France all matters of that kind are put to experts who are attached to every tribunal and even to an auction. Sometimes when there is an auction, I do not know whether your Lordship has noticed it, there are advertisements in London papers of valuable pictures to be sold in Paris, and you always find at the end of the advertisement, so-and-so, and so-and-so, experts, and when a picture is put up, the experts say what they consider to be the value of it, and then people make their shy, if I may use such an expression, either up or down.

3194. Experts employed in that way are employed on the responsibility of the tribunals, and are not supposed to have any leaning to either side, are they?—Quite so, they are supposed to be independent people paid by the public.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Tuesday next, at Twelve o'clock.

Die Martis, 19° *Junii*, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Marquess of SALISBURY.
Earl COWPER.
Earl of ONSLOW.
Lord ZOUCHE OF HARYNGWORTH.
Lord BELPER.
Lord KENRY (*Earl of Dunraven and Mount Earl*).
Lord EGERTON.
Lord HALSBURY.
Lord THRING.
Lord FARRER.

THE LORD HALSBURY, IN THE CHAIR.

MR. ROBERT ADAM is called in; and Examined, as follows:

Chairman.

3195. I BELIEVE you have been in the service of the Town Council of Edinburgh for a great many years?—A great many years.

3196. How many years?— Upwards of 50 years.

3197. You were originally City Accountant, I believe?—In 1847 I was appointed City Accountant, and City Chamberlain in 1872; the the two offices having been then conjoined.

3198. What are your duties in respect of receiving and disbursing the funds and revenues of the magistrates and council of the municipal borough?—It is my duty to receive and disburse all the revenue of the Corporation and of the several departments; the old municipal department, the police department, and the improvements department; to keep, frame, and publish the various accounts; to prepare reports and returns in relation to the city's financial affairs; and to make draft estimates for the several committees, of the expenditure chargeable on the Burgh Assessments, and of the rates of assessment required.

3199. Have there been during your experience many Acts of Parliament passed for improvements in the City?—Yes, there have been a good many.

3200. You are aware, of course, of the Act of 1827?—Yes, I know of it, although I have had nothing to do with the administration of it at all. It was conducted by a Commission; a composite body in which the Town Council were only partly represented.

3201. Has that Commission sat at all in your time?—Yes; it was established in 1827 and continued down to 1851.

3202. During the time you have been in office are you aware of any betterment rates or improvement rates being levied under that statute?—Yes; there were such rates evidently. I have

Chairman—continued.

made excerpts from the accounts of the Commission which happen to be in my possession now, although only placed there comparatively recently; and those I hand in (*handing in the same*). In the Act of 1827 there were really provisions for assessing owners who were likely or supposed to be likely to derive special benefit from the improvement works; but these accounts do not show what the produce separately of the betterment area, so to speak, was as distinct from the general rate over the whole police borough. I can give the results in the aggregate, but I cannot differentiate.

3203. Is there any mode of ascertaining the amount of the betterment rate as distinguished from the rest?—We can tell what the actual amount imposed was at the different rates per cent., but we cannot tell the produce.

3204. What is produced is what I wanted to know?—The accounts do not show it separately; I fail to find that in the accounts altogether; but I can tell the aggregate.

3205. From the year 1827 down to the present time you have had, I suppose, a variety of improvement Acts?—Yes; there was a very outstanding one, an Act passed in 1867. That Bill was promoted by the Town Council during the Lord Provostship of Dr. William Chambers; and in that Act there were no betterment clauses at all.

3206. Do you know at all or can you form any judgment why betterment was omitted in that Act; you had it in the Act of 1827?—I do not know. The assessment evidently, as compared with the police assessment which was being collected at the same time, was not quite so well realized as the police assessment. That possibly might be owing to a variety of causes, but, certainly, that is the fact.

3207. From what source have your improve-

Chairman—continued.

ments been obtained?—The improvements of 1867 were obtained by a rate per pound on the annual valuation over the whole area of the City, without any differential rate whatever. That is under the Act of 1867, which has been successfully carried to a conclusion.

3208. Is the Act of 1827 repealed, or is it still in existence?—The Commission was to exist for 21 years from 1831, when there was a renewal or supplemental Act passed to increase the rate of assessment.

3209. Did that supplemental Act continue the betterment clauses?—Yes, quite on the same lines as the Act of 1827.

3210. It has continued the betterment clause?—Until the end of the Commission which was in 1851, when the whole assessing powers ceased altogether.

3211. There is now no betterment power, I understand, in Edinburgh?—Quite so.

3212. Are you able at all to say from your knowledge of what went on at the time you were in the service of the corporation, whether the power of betterment assessment gave satisfaction or not?—I do not know. I was not very old at the time; but I rather infer from the state of the collection of the assessment that the tax was not altogether either a popular one, or one that was very willingly paid.

3213. I believe you have had some correspondence with the County Council upon the subject?—I have. It was at the instance of the County Council that I looked into these old accounts of the Commission, that happened to be in some old safes of my Department.

3214. When was it you were asked about the matter?—In the month of May.

3215. Will you hand in that correspondence with the County Council?—Yes (*handing in the same*).

3216. Has the question of betterment been discussed at all in the Edinburgh Council?—It has certainly been mentioned, but betterment clauses have not been introduced into any of the improvement Bills, either in 1867, or since 1867.

3217. The betterment powers expired in 1851, I understand?—They did.

3218. Can you give the Committee any explanation as regards these amounts of assessment shown in the accounts which you have handed in; I see you have given them in the first place for the year 1833–34?—Taking 1833–34, you will observe in the extract I have handed in that the assessments are in two parts; there is first, the assessment under the Act 7 and 8 Geo. IV. (that is the Act 1827), and then there is the assessment under the Act which supplemented the assessment; the 1 and 2 William IV., that is the Act of 1831. If you refer to the first page of the Paper which I handed in, you will find that, while those assessments are all separately stated, showing the rental upon which the percentages are charged, and the charges in respect of them are all brought into the total, you only get the total amount realised and the total amount in arrear, so that no one can differentiate the amount produced by the betterment rate itself.

3219. Is there any power to charge 10 per cent. except under the Act of 1827?—None whatever.

3220. I see there was a charge of 10 per cent. upon 498*l.*?—Yes, that is the only instance in which I find 10 per cent. charged; and under the Act of 1827 the 10 per cent. was to be charged upon the feu duties; that is, the ground rent, assuming the property to be benefitted or intended to be benefitted.

3221. The amount realised appears to have been 49*l.* 16*s.*?—No, that was the charge at 10 per cent. against the 498*l.* I cannot tell what the amount realised was. The whole charge under the Act of 1827 was 7,189*l.*, of which 5,513*l.* was the amount recovered, and the amount in arrear at the end of the year of assessment was 1,675*l.*, and similar results are shown on the next page with regard to the assessment under the Act of 1831. There were two sets of assessment under two separate Acts of Parliament, going on consecutively, but dealt with exactly in the same manner.

3222. Do you find any other year in which the 10 per cent. is levied?—No, not one.

3223. Is there any other account among those which you have been good enough to furnish us with requiring explanation?—I do not think so. If your Lordships would wish to direct your attention to the excerpt for the year 1842–43, the accounts vary in their appearance from year to year, and in the remainder they seem to be dropping out of the assessment under the Act of 7 and 8 George IV. and confining themselves entirely to the Act of 1 and 2 William IV. In the Account for 1842–43 there is evidently an item which describes more specifically the assessment that continued to be made under the Act 7 and 8 George IV., where you have this statement of Account: "Amount of the extra assessment of 1 per cent. upon the improved districts for the year ending Whitsunday 1843, payable at Martinmas 1842 as per Surveyor's Rent Roll, viz., of 67,323*l.* 9*s.* at 1 per cent., 673*l.* 4*s.* 8*d.*," that is the amount charged; and, then, of that there was, "outstanding at 9th July 1843, 152*l.* 8*s.* 4*d.*"; so that 520*l.* had been recovered out of that. That is the only instance in which I can get a separation of what may be called a betterment assessment as regards the charge of assessment and the amount recovered.

The Witness is directed to withdraw.

MR. THOMAS BENTLEY WESTACOTT is called in; and Examined, as follows:

3224. ARE you an Auctioneer and Surveyor?—Yes. I am also a member of the London County Council, and have been so from the time the council first came into existence. I represent East St. Pancras on that body. I have been on the Parliamentary Committee of the county council the whole of the time I have been a member of the body, and for one year I was vice-chairman of that committee.

3225. Have you considered the question of betterment?—I have given a good deal of thought and attention to it, and I consider that when the value of property is clearly increased by an improvement effected by the expenditure of public funds, it is only reasonable that the authority that has carried out the improvement should have power to require the person whose property is increased in value by such improvement to contribute to the cost thereof; or that the authority should have power to acquire the property so increased in value on different terms to those usually inserted in improvement schemes.

Marquess of *Salisbury.*

3226. What do you mean by that last observation, that they should have power to acquire it "on different terms"?—I mean that instead of being compelled to purchase the whole property and pull down the property, they should be enabled to purchase the freehold and long leaseholds of the property that is alleged to be bettered, standing in the position of the owner of the property and receiving the enhanced value if any enhanced value takes place.

Chairman.

3227. That is what we have called recoupment, is it not?—It is recoupment.

Marquess of *Salisbury.*

3228. But it is recoupment on a more elastic system than now prevails, in that, according to your proposal, the London County Council are to be allowed to run out the trade interests instead of buying them up?—Yes. The losses that have taken place on improvements in London are, in a great measure, to be attributed to the fact that all the various interests have to be acquired; and if, as is stated, there would be a betterment, then by purchasing the freehold and long leasehold the Council would take on itself the risk of whether there is enhanced value, and if it should take place they would then get the full benefit thereof.

Earl of *Onslow.*

3229. When you say "the various interests have to be acquired" what is your interpretation of the existing state of the law on the subject: Do you say that by enactments of Parliament they are obliged to acquire the trade interests?—I am not quite certain whether they are obliged to do so, but as a fact, when the London County Council carry out an improvement they do acquire all the various interests.

Earl of *Onslow*—continued.

3230. But are you not able to say whether, in your belief, they are compelled to do it by the Acts, or whether it is only as a matter of free-will that they do it?—I am not a lawyer, and I should not care to give a legal opinion, but I have been told at the London County Council that they have no power except to acquire all the interests of all the parties interested.

Lord *Thring.*

3231. They buy under the Lands Clauses Consolidation Act?—They buy under the Lands Clauses Consolidation Act.

Earl *Cowper.*

3232. Generally 10 per cent. is given for compulsion, is it not?—Yes.

3233. But that is not necessary under the Act, is it?—It is not in the Act of Parliament; it is a practice which has grown up, and has been acted upon.

3234. And you think it would be fair?—I think it would be fair. I have made a Table showing what the effect would be in the Tower Bridge case, which I take as an illustration, because it is a case which can be dealt with. If the betterment scheme is allowed, and if the betterment works out according to Mr. Young's estimate at 18,000*l.*, 3 per cent. upon half of that would amount to 270*l.* per year. If one-third is deferred for 43 years, as it very probably would be, the ratepayers of London would be benefited to the extent of 180*l.* a year only. Supposing the county council purchased the property which they say would be bettered at the fair value, it will cost them 88,000*l.*, being 20 years' purchase on 4,400*l.* a year, the present value of the 43 properties. The London County Council would then receive in rents yearly the 4,400*l.* a year, in respect of the property which they have purchased. If the betterment came out according to the expectations of the London County Council, they would then have an additional rent in respect of the 18,000*l.* of at least 5 per cent.; that is, 900*l.* a year, bringing up their income when the improvement was carried out to 5,300*l.* a year.

Earl of *Onslow.*

3235. What are you basing the rent upon; upon the present rate?—The present value. The gross value of the 43 properties is 4,400*l.* a year, and the rateable value is 3,300*l.* I take therefore the gross value; that is, the sum that the purchase money is usually paid on.

3236. You take the additional rent upon the increased value?—The additional rent when the enhanced value follows upon the improvement. I take that as 5 per cent. upon the 18,000*l.* which it is estimated would be the enhanced value. If

Earl of *Onslow*—continued.

the betterment came out according to the expectations of the Council, that would bring out our income to 5,300*l.* We should borrow the 88,000*l.* at 3 per cent., the interest upon which would be 2,640*l.*; and, therefore, we should be making a profit in that way of 2,660*l.* as against the 270*l.* that the County Council would get by their betterment scheme.

Earl *Cowper.*

3237. Would you allow it to be optional on the part of the owner whether he would agree to the betterment scheme, or whether he would sell his property to the council?—I think it would be fair to allow an option; but as against that the County Council would have to run the risk whether that property did go up in value according to the expectations at the present time; and my own opinion is that it would not go up to anything like the extent that this betterment charge has suggested.

3238. It has been suggested that the County Council would not very much dislike having isolated properties in this way which they would have to manage, and to which they would be in the place of owners. Do you see much force in that suggestion?—There is not the slightest difficulty. They have property all over London at the present time. The Tower Bridge, which is to be opened next week, has been built by the Corporation out of property which belongs to them, the Bridge House Estate.

Lord *Belper.*

3239. In order that we may have it quite clearly before us what your proposal is, let me ask you: do you propose to allow betterment subject to the power of owners of property who come under the betterment clause to selling their property to the County Council if they wish; or do you propose to substitute this enlarged system of recoupment for betterment altogether?—Personally I should prefer substituting it; but I should not have had the slightest objection to giving the owner the option of say to the council, "Well, take my property at what it is worth at the present time."

Earl of *Onslow.*

3240. Would you explain what you mean by "worth at the present time"; you mean before the improvement is carried out?—Yes.

3241. Have you now in your mind the special assessment which is provided for in the Bill before the improvement is carried out?—I would take the value of the property at what it would be put down at by the valuer who is to be called in two months before the Council commence their work, and by their own valuer's opinion.

3242. Would you make that opinion binding upon the owner?—No; I would give him the option of going before an arbitrator or before a jury to assess the value; but he should get nothing in respect of any enhanced value that may be assumed in respect of the improvement.

3243. But I understand you to wish that the valuation at which he should be bought out shall be the first valuation which is to be made by the Council under the Bill?—I think he should have the chance of going before an arbitrator or a jury to assess the amount that is to be paid for his interest at that time. I think that is only fair to both parties, because the valuer called in may have over-estimated or under-estimated the value.

Lord *Belper.*

3244. At what time would you give the option to the owner of property of either selling his property or taking the chance of betterment; should you give him that option immediately upon its being decided that he was to be called upon as being bettered, or should you wait until the subsequent valuation was made showing the extent to which he was bettered?—I should give it immediately.

Earl *Cowper.*

3245. Do you not think it would be fairer that he should have the power of exercising the option when he knows what his tax would be if he came under the betterment system. Ought not the exercise of his option to be deferred until he knows how much he would have to pay under the betterment scheme?—He would know that whatever the enhanced value might amount to he would have to pay the half of it.

3246. Ought he not to be allowed to wait until the enhanced value is announced before he is compelled to choose?—Personally, I think, it should be done at once.

3247. Without any such delay?—Without delay.

3248. Of course it would be to the owner's advantage if he was allowed to wait, would it not?—Not necessarily; because, as I am prepared to show to the Committee, when a Bill has been passed the assessment of property has at once gone up in value, on the assumption that the improvement would be of very great value to that locality; but after the improvement was made the property has gone down again to very nearly its original figure.

Marquess of *Salisbury.*

3249. Was that a natural spontaneous effect or do you think there were any trade interests behind that caused that rise?—I have here a list of improvements carried out by the Metropolitan Board of Works at the junction of Kentish Town-road and Great College-street which I will hand in (*handing in the same*). They acquired the whole of the property on both sides of Great College-street, and they acquired the whole of the property on one side of Kentish Town-road. I have taken the whole of the shop property (it happens to be shops there) on the opposite side which would be the property alleged to be bettered, and I have obtained from the vestry the assessment in the year that the Metropolitan Board of Works obtained power to carry out the improvement, and I have obtained the assessment at the next quinquennial valuation and each quinquennial valuation since, and at the present time I find that in the year 1877 the shops that it was said would be bettered by the improvement were assessed

Marquess of *Salisbury*—continued.

assessed at 3,354*l.*; in 1880 they had increased to 3,576*l.* The improvement was carried out and completed in 1883. Then at the next quinquennial assessment in 1885 they had increased to 3,756*l.*; but 160*l.* of that was in consequence of rebuilding. Since the improvement, in 1890 it had gone down to 3,749*l.*; and at the present time it has gone down to 3,708*l.* One of the shops that had risen from 50*l.* to 110*l.* is now empty, and I believe the owner will not get more than 60*l.* or 70*l.* at the outside as rent for it at present. Then there are two side streets leading out of these roads. It is said the side streets are improved by the improvement, and in one of them, Clarence-road, I have taken a list of 18 houses, nine on each side. The assessment in 1879 was 543*l.*; in 1880 it was 563*l.*; in 1885, two years after the improvement, it was 562*l.*; in 1890 it was 558*l.*; and at the present time it is 556*l.* So that the value is really less now than before the improvement was made. Then there is another side street, Castle-road. The assessment of 20 houses in that road was 763*l.* in 1877; it then went up to 807*l.* in 1880, and to 835*l.* in 1885, after the improvement. Then on the next assessment it went back to 821*l.*; and at the present time it is 818*l.* Those are the figures given to me by the vestry on Saturday last. I thought the information as to what had been the real result of that improvement might be useful to the Committee.

3250. The result is that in most cases, apparently, the value of the houses had improved a little, but not so much as was anticipated?—Not 5 per cent.; and where the improvement has taken place it has been in respect of five premises, and in those cases the improvement has been in consequence of additions to the premises.

Chairman.

3251. All the members of the Committee have not got before them the figures which you have handed in, and though what you are now saying is very intelligible to me it may not perhaps be quite so clear to other Members of the Committee. In your list you give the figures for each of the houses with its assessment; what you have been giving just now was only the gross figure, was it not?—Yes.

3252. The result is that you are able to analyse where the actual improvement has taken place by rebuilding?—Yes. The houses in question are numbered 109, 111, 113, 115, and 117. It will be observed that 109 has gone from 36*l.*, in 1877, to 65*l.* at the present time; No. 111 has gone up from 52*l.* to 77*l.*: the next number, No. 113, has gone from 50*l.* to 73*l.*, and the next two houses have gone from 52*l.* to 73*l.* each. That has been entirely due to rebuilding. Then as to No. 147, which is a large public house, that has increased from 230*l.* to 280*l.*, but that has been by a large outlay on the part of the proprietor of the public house, which I may say ruined him, and he has been obliged to leave; but the increases that have taken place have really been by alterations, and not by the improvement itself.

Earl of *Onslow.*

3253. The improvement was carried out, I understand, in 1882?—It was open in September 1883.

3254. When was it first in contemplation?—In 1877.

3255. Then the principal rise in the assessment was in 1880, after the improvement had been in contemplation?—Yes, in 1880.

3256. That you think was not realised, as shown by assessment in subsequent years?—No; and I know one case of a shop at No. 141, Kentish Town-road, which was let in 1877 at 50*l.* a year, the person occupying it was a chemist. His landlord was of opinion that this improvement would be of very great value to the shop, it being at the immediate junction of the two streets, and would make it much more prominent than before. He, thereupon, raised the rent to 90*l.* a year. The tenant, having an established business, could not leave at that time, but last year his 14 years' lease expired, and he has now left the premises and taken better premises in the vicinity, and the shop is still to let; and I am certain that the landlord would be only too pleased to take 60*l.* or 70*l.* rent for it at the present time.

3257. I may take it that the practice in making the valuation for assessment, is to anticipate what will be the value of the improvement which is contemplated or which is in course of construction?—Very often a landlord, thinking that an improvement is coming, will increase the rent if the premises became empty, and then when the improvement takes place, at each quinquennial assessment they will inquire what rent is being paid, and the tenant has to give a return. All these figures in these assessments that I have given to the Committee are based upon the returns of the tenants.

Lord *Tweedmouth.*

3258. Do you propose to devote any portion of the money under your scheme to a sinking fund to pay off the capital sum borrowed?—That could be done, but it was not so done in the figures which I gave. It would, however, enable the County Council to do so, and in time the debt would be paid off. Passing to another point, I observe that a statement has been made as to the side streets being improved in consequence of the improvement in Shaftesbury-avenue or Charing Cross-road. I hold in my hand a report of the "proceedings of the conference of the Local Government and Taxation Committee of the London County Council with assessment authorities" for London, at Spring Gardens, in 1893, and in it the Vestry Clerk of St. James's says, that "the formation of Shaftesbury-avenue largely altered the character of our back streets. We used to have considerable traffic up some streets, which are now very little more than playgrounds; and we have found that ever since Shaftesbury avenue has been opened these back streets have on each change of tenancy shown a reduction in rent. Unfortunately I am bound to say Shaftesbury-avenue also has shown the same tendency, but for temporary reasons; and I am afraid that the

Lord *Tweedmouth*—continued.

back streets of St. James's will continue to show this depreciation on account of the diversion of trade through Shaftesbury-avenue from Wardour-street and other streets. That is an aspect of the question of betterment which I think has not engaged the attention of the County Council, but it is one which I commend to their notice."

Marquess of *Salisbury.*

3259. From what are you quoting those remarks?—From the report of the conference between the Local Government and Taxation Committee of the London County Council with the assessment authorities of London as to the proposed alteration of the Valuation Act Metropolis.

3260. That is not a published book I presume, but one of the books of the London County Council?—It is a book published by the London County Council. I shall be pleased to hand in this copy if your Lordships would like to look at it (*handing in the same*).

Earl of *Onslow.*

3261. I suppose copies could be obtained at Spring-gardens, could they not?—Yes.

Chairman.

3262. I think you are also desirous of telling us something of your views as to what should be done assuming a betterment scheme, and assuming a person to be possessed of some houses inside and some houses outside the betterment area?—Yes; it very often happens that a person may have more than one house within the limits of deviation, and by the scheme of the London County Council if a person had one house that was bettered he would have to pay one half of the enhanced value, or 3 per cent. thereon; but the same person may have two houses within that area, and each of them may be injured more than the one is bettered; in such a case I think it is only right and fair that the whole of the circumstances should be taken into account, and that it is only just that you should take, on the one hand, the increased value of the one house without allowing the owner to set off against it the damage which has taken place in respect to the other two houses. Or again it may be that a person may have one house in the betterment area which is enhanced in value, and he may have a quantity of houses just outside; I think it only right and fair that if those houses outside are injured by the scheme, that also should be taken into account, and that consideration should not be limited to the one house that is assumed to be bettered.

3263. Would your view extend to this; that although he was suffering worsement in respect of certain houses, unless he had houses inside the betterment area he should not receive any compensation in respect of that worsement?—Personally, my opinion is that if betterment is admitted, worsement will also have to be admitted; and if that is so the damage done, as a rule, is much more than the benefit given.

3264. Although it may be to different people?—Yes.

Earl *Cowper.*

3265. Would not what you have been suggesting be a little unfair from this point of view: Supposing two men to have two houses, both of which were worsened, but one of the men also has a house that is bettered, then because he happens to have a house which would be bettered, and because he has to pay the tax, which we will assume to be a fair one, on the house that is bettered, he would, according to your suggestion, get compensation upon the one that is worsened; whereas his neighbour who is not so lucky as also to possess a house that it bettered, gets no compensation for his house that is worsened?—Personally, my own opinion is that all within the area who are worsened should be compensated if some one who is bettered has to pay; but I put this illustration of a man having one house that is bettered, and other houses that are worsened, to show the injustice of his having to pay half the enhanced capital value, while at the same time he has two other houses, each of which is injured 20*l.* a year, and which are not to be taken into account. That is a very glaring injustice.

3266. You would give a man who is worsened within this area compensation, although he has not a house which is bettered?—Certainly.

Lord *Belper.*

3267. What would you think would be the total result to the London County Council of such a proposal as that, in the case of most improvements?—They would be worse off than if they had left the matter alone.

Earl of *Onslow.*

3268. Your plan, as I understand, does not extend to the present state of the law in which betterment finds no place, but you say if betterment is given worsement ought also to be taken into consideration?—I would not alter the law as it stands at present; but I say if the law is to be altered and betterment admitted, I think at the same time the other part, worsement, ought to be taken into account.

Chairman.

3269. You mentioned just now that the County Council possess quantities of property in various parts of London?—Yes.

3270. How are those properties managed?—We have an Estates Department at the Council; we have collectors of rent, who collect the rent from the tenants just the same as an Estates Department anywhere else would manage property.

3271. The Council are in fact landowners and landlords in various parts of London?—Yes.

3272. Could you say about what amount of rental they get altogether in the aggregate?—I could not say accurately, but I am clearly of opinion that it is over 50,000*l.* a year. I could ascertain the exact figure.

Marquess of *Salisbury.*

3273. There would be no difficulty whatever, would there, in managing these trade interests if you bought them and allowed them to run out?—Not the slightest difficulty It would be done just the same by the officials of the County Council

Marquess of *Salisbury*—continued.

Council as it would be done by the agent of the landlord. When a lease ran out, a new lease would be granted at the then value of the property.

Chairman.

3274. I suppose it would involve an increase in the staff of the County Council?—A very small increase; in the particular case of the Tower Bridge improvement there are only 43 properties concerned.

3275. That is true of this particular case; but assuming the principle to be adopted so that the county council would go into large land speculations (because that is what it comes to) the council, I presume, could hardly do that without an increase in the staff?—They could not do that without an increase in the staff.

Earl of *Onslow.*

3276. Would not the increase of their rent roll more than cover the increased expense?—Much more; 10 times over, I should consider.

Lord *Belper.*

3277. Taking the case of an owner of property who was to be charged for betterment, and who under your proposal elected to sell his property, how should you deal with him supposing he had another house in respect of which he was claiming to recover for worsement?—Then I would let the county council buy out both houses if they wished to run the risk, or I would make them.

3278. You would compel them to buy both houses?—Certainly. It would be only fair, I think.

3279. Whether they wished to do so, or not?—Yes.

3280. Therefore if he had five or six houses at some little distance away that might suffer from worsement, the County Council would be bound to buy all of them as well as the one that was bettered?—I think it would be only fair that they should either give it him in cash or take the property. It is a most difficult thing, and indeed I think it is impossible for anyone to estimate what the result would be. Many a person takes land as a speculation to build houses, expecting they will let at a certain rent, but finds he is mistaken, and he is ruined. So many a tradesman takes a shop thinking that it will be profitable, but he makes a mistake and he ruins himself in consequence. And so in the same way here. As to saying that within seven years of the passing of the Act what the result of the improvement would be I think it is a matter utterly impossible as between man and man for any person to fix.

3281. The case I wanted to put to you was this: the London County Council has a certain area, we will say, within which they may consider betterment may have to be charged?—Yes.

3282. A man has a house within that area, and, when he is informed that he is going to be bettered, he elects to have his house purchased. He has also got, we will suppose, several other houses outside the area of betterment which he thinks will be worsened. Do you consider that the London County Council can be forced to go outside the area and deal with those houses?—No, not outside the area.

Lord *Zouche.*

3283. Do you think it would be always difficult for a valuer to assess the amount of benefit owing to the improvement by means of the particular public work?—Yes.

3284. I mean, do you think that that could be practically done, because that appears to be one of the difficulties of the whole question, whether you can separate the amount of benefit accruing to an individual on account of a particular improvement apart from extraneous circumstances?—I think it would be most difficult in any case to say what the enhanced value would be; it may be that the improvement which is anticipated may not be realised, or it may be that the improvement may be twice or three times as great as was anticipated; but no one can tell until the improvement has been made for a series of years what effect it will have upon the locality. Take, for instance, the case of Victoria-street which has been mentioned; there the property has never been developed up to the present time properly, and yet if the value had been anticipated at the beginning people would have thought, no doubt, that it would have been developed much earlier.

Chairman.

3285. I should like to hear your view upon that; is there not something a little confusing in using the word "improvement." There may be an improved road, in the sense of its being an improvement to the metropolis or to the neighbourhood, but "improvement" is constantly used here apparently as referring to a different class of buildings, or shops, or residences which are put up, besides the improved road itself; there may be for the purpose of the public other improvements contemplated, as, for instance, the increased road accommodation, and the increased facility for traffic, and so on, but the improvement on the side of the road must in great measure depend, must it not, upon the expenditure of money by somebody at all events?—It would do that, no doubt; but, personally, for trade purposes, it may seem a little inconsistent, but such is the fact: the wider the street is, the worse the trade is for that locality. The narrow street does much more trade than the wide street; it is not the traffic through the street that brings customers, but from the people walking along there, and if they are able to see the other side of the street, and can cross over without much difficulty, there is much more trade done in that narrow street than where there is a wide thoroughfare. I have known places in my own parish where it has been proposed to widen a street, and where we have widened it, where there was a good trade done beforehand, but when the widening has taken place the trade has been sent away to some other locality.

Marquess of *Salisbury.*

3286. Do you find that any impediment in a street, such as taking up the road, improves the trade?—It has just the opposite effect. At the present time in St. Pancras the County Council is putting down a new sewer in the Kentish Town-road, and the result has been that all the tradesmen

Marquess of *Salisbury*—continued.

tradesmen are complaining that they are being injured very much by the action of the London County Council. I believe, indeed, a memorial has been sent to the London County Council asking them to give compensation to these tradespeople for the loss that they have sustained. The County Council are in no way liable, and will not do so. Still, that is the effect of laying down the new sewer.

3287. Do you know whether the County Council have ever given compensation in such cases?—I am not aware of any. Some of the tradespeople asked me to ascertain, and I am told that it is not usual in any instance to give compensation in cases like that.

3288. However long the street may be up?—However long it may be up. In some cases I know of they have had hoardings before the shop for at least three or four months, and the man told me that his takings had decreased very considerably. But it is not one of the matters that the County Council is in any way liable to pay compensation for.

Chairman.

3289. Probably there would be a great difficulty in saying that they were by law entitled to spend the ratepayer's money in such a way, however generously they might be disposed?—Yes.

Lord *Thring.*

3290. I should like to see whether I have got an accurate summary of your views; I understand you to start by saying that you think the principle of betterment, or, in other words, the principle that if a man's property is improved out of public money he should contribute, is a just principle?—I do.

3291. I understand you to think that a just mode of carrying into effect that principle is what I should call a combination of recoupment and betterment; that is to say, in other words, if the authority wish to charge a betterment rate, they may do it, but in that case the owner should have the option of saying, "I would rather you bought the property," and not pay the betterment rate?—Yes.

3292. Thereupon the owner should have the option of selling his property under the Lands Clauses Act as I should describe it?—Yes.

3293. Is that your view, so far?—Yes.

3294. You would consider that a just system?—I do.

3295. Then with respect to worsement, which appears to be much more difficult, I understand you to say that you think everybody ought to be compensated for worsement. I think you yourself, from what you said afterwards, however, admitted that that would be impossible in its full extent, because in the case, for instance, of diversion of traffic by the making of a new thoroughfare a very large area might, in fact, be drained, and it would be impossible to compensate all the owners in that area. But I understand you to say that every Bill ought to have an area within which both worsement and betterment should take effect?—Yes.

Lord *Thring*—continued.

3296. But that beyond that area neither the one nor the other should take effect?—That is so.

3297. How do you propose to manage that?—Of course the authority would probably endeavour to make its area rather small, and exclude any great instances of worsement. Would you allow owners subject to worsement to petition Parliament to include them in the area?—I think it should be left to the authority, but the whole question is beset with difficulties, and personally I am of opinion that the whole of the benefit that the local authority would get from betterment is not worth one-half the money that has been spent to get it, and that when it is got the parties who have applied for it will be disappointed at the small result which they will obtain from their betterment.

Lord *Tweedmouth.*

3298. But you approve of the principle of betterment, I understand?—I approve of the principle that where a person has property that is increased in value by the locality making an improvement he ought to be called upon to contribute in respect of the enhanced value. If I may venture to put a case which will be clear to everyone, take the case of the Strand Improvement; there everyone I think would admit that if the south side of Holywell-street and the north side of the Strand were cleared away the property now forming the north side of Holywell-street, which would then be the north side of the Strand, would be enormously increased in value.

Earl of *Onslow.*

3299. Not according to the theory which you propounded just now, that the trade in a narrow street is much better than in a wide street?—That would be for trade purposes; but if this improvement were made you would have an altogether different class of shops built in the Strand there from what you have at present. It would be a matter of absolute impossibility for anyone to say when the improvement was made what effect it would have upon the value of the property. But if the county council were permitted to buy the freehold and the long leasehold, subject to trade interests and tenants' interests, and allow the leases and tenants' interests to run out, whatever benefit attached, be it more or less, the county council would get the full benefit of it. But I am certain that no arbitrator could say, within seven years of the passing of the Act, what effect that improvement would have upon the value of the surrounding property.

Lord *Tweedmouth.*

3300. May I take it that you think the principle of betterment should receive legislative sanction, and that public bodies should be allowed to make their own decision whether they would take advantage of that sanction or not?—No; I think it should rest also with the parties whose property is affected; because supposing I have a house within the area that is bettered, they have

to

Lord *Tweedmouth*—continued.

to give me notice. If by any chance that notice does not come to my hand, and I give no notice of objection within a month, then my house is charged for all time with a payment to the County Council with respect to the house. I cannot alter it; I cannot go before an arbitrator; but they may register that charge at the Land Registry Office. If, on the other hand, I desire to fight the question and take it before the arbitrator, I have to employ a solicitor, counsel, and surveyors, and fight my case against a body with public money at their backs. I think an owner of property, especially if it is small property, ought not to be called upon to run that risk, but that the body that alleges that the property will be increased in value ought to be called upon to take the risk, and that we might say "Very well, then this property is now worth 1,000*l.*, buy it at the 1,000*l.*, if you say it will go to 1,600*l.* you may get all the benefit; but you run the risk."

3301. I was going to add that to my question. You think, as I understand, that the sanction to betterment should be coupled with a clause insisting on the right of the owner of the property to sell at a fair price if he prefers to do so?—Certainly.

Lord *Belper.*

3302. But I want to take you to the other point of worsement, which you say must be coupled with betterment. You admit the principle of betterment, but you say that worsement must be coupled with it, as I understand?—Yes.

3303. As I understand, you allow the London County Council to draw the area, and to say that everybody within the area may be subjected to a betterment charge?—Yes.

3304. Who is going to draw the area for worsement?—It would be within the area.

3305. Then in that case, of course, there will be no possible worsement, except in the case of a house which happens to run in between two other houses which happen to be bettered. As I understand, the cases of worsement we have heard of were generally in some other street which has been affected by the fact of the traffic being taken out of it and put into the improved street. Of course, the London County Council in that case would exclude all such streets from the area?—Certainly; but it is not alleged in the Tower Bridge Approach Bill that all the property within the limits of deviation would be bettered; only 43 properties are picked out. The others may be injured.

3306. All that might possibly be so. The probability is that if one house is bettered, another house alongside of it is not likely to be very much injured; but what I want to get at is this: Practically under your scheme any substantial amount of worsement would be excluded?—It would, outside the area.

3307. There would be no power for a man whose property a little way off was distinctly worsened to go to the committee and say, "I think my property should be put within the area,

Lord *Belper*—continuod.

and I should be able to claim that it is worsened?—That is not my scheme. I keep within the limits of deviation, in the same way as the London County Council proposes.

3308. That would bring down worsement to such a narrow limit, that practically your remark that worsement would come to more than betterment would, hardly, would it?—It would, if they took in the outside area.

3309. But I mean in the case of taking in only the area drawn by the London County Council?—It would not be so then.

Lord *Onslow.*

3310. When you speak of the limits of deviation, are you taking as an example the present scheme?—Yes.

3311. But if the London County Council is to get any considerable benefit from recoupment, under the scheme that you propose, must they not have a somewhat larger area than the limited area of the limits of deviation?—I think not; because however narrow the improvement scheme and the works that are carried out, there would be an opportunity of improvement in the value of the property if anything takes place.

3312. In the Strand case they had a considerable area, had they not?—I think they made a great mistake there; they went to Lincoln's Inn Fields on the north and to the Thames' Embankment on the south; and nobody could say that the property up to those extended limits was bettered.

3313. You would not give the power of acquisition of land to the London County Council within such wide limits as that?—Certainly not.

3314. Only within the limits of deviation?—Only within the limits of deviation.

Lord *Thring.*

3315. I understand you to say that, as a matter of justice, a man whose property is affected for good or ill ought to pay betterment, and ought to be paid worsement; but that it is impossible to make an accurate and absolute rule, and therefore you leave it to the authority to place before Parliament an area within which betterment and worsement should have effect, but beyond which you must leave it alone?—Yes, either for betterment or worsement outside.

Lord *Zouche.*

3316. How would you apply the principle of betterment to a public work undertaken by more than one public authority. Supposing a new street to be made partly by the London County Council and partly by the vestry, would the vestry take the betterment charge?—They would share it relatively in proportion to the amount they paid towards the improvement. If the London County Council, for instance, paid half and the vestry half, the Vestry should have half the betterment. It would not be fair for the London County Council to have all of it in respect of its half of the expenditure.

 3317. Have

Chairman.

3317. Have you considered the scheme of allowing the London County Council themselves to place an assessment upon the property, which assessment, unless it was appealed against, should become a binding charge upon the property?—I think that is a little severe. I do not object to the scheme of the London County Council preparing the assessment, because some one must commence; but by Sub-section 14 of Section 37 it is provided that "If no objection, as hereinbefore provided, be made to the assessment, the amount defined by the assessment, or the amended assessment (and if an award be made as hereinbefore provided then the amount defined by the award) as the charge in respect of each property shall be a charge and incumbrance thereon, and the Council shall cause the same to be registered as a land charge under 'The Land Charges Registration and Searches Act, 1888.'"

3318. Putting those two things together, although there was some little confusion about it at first, it seems that either the award or the assessment, if there is no appeal, shall impose upon the property a charge for all time?—That would be so. If a person had notice and omitted or neglected to send in an objection, he has no power to remedy that afterwards, and the assessment of the London County Council would be conclusive upon the person to whom the notice was given.

Earl of *Onslow.*

3319. Or if he was debarred by the cost involved in opposing, the result would be the same?—Yes.

Chairman.

3320. Do you think it would be fairer that some judicial authority should determine what was to be the rate?—I think it ought to be so.

Earl of *Onslow.*

3321. Suppose it was submitted to some judicial authority and the owner of the property failed to appear, it would be almost obvious, would it not, that the judicial authority would fix the award at what the assessment had fixed it?—Undoubtedly, if the owner failed to appear.

Chairman.

3322. Surely the judicial authority would hardly do that?—He would only have the evidence on one side, and he would fix his award accordingly.

3323. To take evidence is one thing, but to say that he would give his award upon the mere assessment of the London County Council is rather strong. I hope no judicial authority would do such a thing?—The case, I take it, would be analogous to that of a person charged being in default, and it would be taken, therefore, that he practically admitted the accuracy of the charge.

3324. That is hardly according to my experience. We have heard of such things as undefended actions, but in those cases I always thought you had to prove your case?—No doubt.

Chairman—continued.

Earl of *Onslow.*

3325. They would prove their case, I take it, through the mouth of their own surveyor, on the opinion of their own surveyor?—Yes.

Lord *Thring.*

3326. If there was any reason, would not the suggested authority order a surveyor of their own to be sent to ascertain what was the fair value?—I think not; because the Bill provides——

3327. I am not speaking of the Bill; I mean ought not that to be done in justice?—I think it ought in justice, but it is not so by this clause, because Sub-section 8 provides that if no notice of objection is given within one month then the assessment becomes final; and Sub-section 14 prvides that it can be registered as a land charge if no appearance takes place.

Chairman.

3328. There was some little misunderstanding about that until Mr. Baumann gave evidence, but he referred us to those sections and there is no doubt of what the section does now provide; but the question which I asked you was to the propriety of it?—I think a person ought to have the opportunity of going before an arbitrator.

Lord *Thring.*

3329. Is it not more than that?—This is not merely trying a question between two persons, but the point to be decided is the value of a particular house. If the action, or whatever you may call it, the procedure, is undefended, surely it ought to be the duty of the judge, or whatever you may call him, before he gives his decision to send someone to ascertain on his behalf whether the assessment is a fair one or not?—That would be very much the fairer way, but I think by the clause it stands the other way.

Chairman.

3330. That may be so, but I do not know that we are very much enamoured of the clause. Is there anything else that you wish to add to your evidence?—I think not.

Marquess of *Salisbury.*

3331. Were you upon the Metropolitan Board of Works?—No.

Earl of *Onslow.*

3332. With regard to this question of the appointment of a judicial authority, you would give power to the owner, I suppose, to appear in person though he might not have formally served notice upon the London County Council that he intended to object?—I think the arbitrator should consider the merits of every case inserted in the list, whether the owner has given notice or not.

3333. You

Marquess of *Salisbury.*

3333. You expressed the opinion in the course of your evidence that the reason for which recoupment had failed was because of the cost of buying up the trade interests?—Yes.

3334. Is that opinion founded upon an investigation of figures?—Yes; and I have heard it said over and over again at the County Council that that is where it does run up. I have been for over 20 years a member of a local body, the St. Pancras Vestry, where we have carried out improvements under Michael Angelo Taylor's Act and otherwise; and my experience as Chairman of the Committee who have had to do with it, was, as I described in my evidence, that whilst we got on very well with the freehold and the long leaseholds, immediately we came to the tenant with his trade interest we had to pay a very large sum, which we had no means of getting back again.

3335. So that you are confident that if you are allowed to come in and purchase the freehold and the long leasehold it would be a profitable operation?—I am quite certain of it.

Lord *Farrer.*

3336. Does that loss result from the waste in putting an end to the trade interests?—Yes, because you have to pay so many years' purchase on the trade interests, and you give so much for the fixtures, and so on, all of which is gone when the premises are taken down and the land is left as vacant land.

3337. That is so much waste?—That is so much waste.

3338. That would not be the case if the land were taken, and it was not necessary to displace the tenant?—It has been my evidence to-day that I prefer that course to the other; and, in addition, we have to pay the claimant's surveyor's and solicitor's expenses; all those are piled up, and when we get to the bottom we very often find it more expensive even than the other.

The Witness is directed to withdraw.

Ordered, That this Committee be adjourned to Thursday next, Twelve o'clock.

Die Jovis, 21° *Junii*, 1894.

LORDS PRESENT:

Lord TWEEDMOUTH (*Lord Privy Seal*).
Marquess of SALISBURY.
Earl COWPER.
Earl of ONSLOW.
Lord THRING.
Lord ZOUCHE OF HARYNGWORTH.
Lord HALSBURY.
Lord LINGEN.
Lord FARRER.

THE LORD HALSBURY, IN THE CHAIR.

MR. WILLOUGHBY HYETT DICKINSON, is re-called; and further Examined, as follows:

Chairman.

3339. YOU expressed a desire that when you had heard the case put on the other side, as I may call it for this purpose, you should be allowed to give further evidence; now will be the opportunity?—I am very much obliged to your Lordship. There are a very few points, I think, which it occurred to us might want a little explanation, and I shall be happy to have an opportunity of giving it. To refer first to one small point, I think the Committee has appreciated the question of the lines of deviation. I will not go into it; I have merely to state that I notice that one of the witnesses (I think it was Mr. Tewson), definitely stated that, according to the first of our plans it was a betterment area which the public appreciated as meaning the area over the whole of which the charge would be made; that was not so. All through the whole of the plans that we have made we have always marked out the area from the very commencement as only containing the property which might be charged, and of course we have always recognised that some of the property included in the area would not be charged.

3340. I think the Committee came to the conclusion that Mr. Tewson had honestly supposed that that was the case, but that he must have been mistaken?—Yes.

Marquess of *Salisbury.*

3341. It would be the case however, would it not, that all the owners of property included in the marked out district, would be liable to be put to the expense of defending themselves if they were assessed by the County Council?—Yes; if they were assessed by the County Council. But the County Council in making the assessment would be bound to have some reasons for saying that the property was improved.

3342. That would rest entirely with the judgment of the County Council?—It would.

Chairman.

3343. When you say they would be bound, you mean bound in conscience and propriety; there is no legal obligation upon them in the statute?—No; but the County Council has a conscience.

3344. We will assume that?—Then in connection with that, I thought perhaps your Lordships would like to see the plan which was originally brought forward by the valuer with regard to the Cromwell-road improvement, because a little comment has been made as to the way in which the line was drawn there. If I may be allowed to show your Lordships this plan you will understand the reasons which led us to draw it in that way though it laid us open to the statement that we were including land which, on the face of it, could not be improved. This was the original plan which the valuer prepared for considering the question of betterment in that respect (*placing a plan before the Committee*). *Here* is the bridge, and the great portion of this land *here* (*pointing*) is unoccupied land; all that coloured green is unoccupied, and the valuer thought the unoccupied land would be benefited by this bridge as far as *this* point (*pointing to the plan*). Then we came to the conclusion that the most logical way, as it was almost impossible to draw any other line, would be to draw a half circle; and we had to draw it so that the radius included the point that I have indicated, which was about half a mile. The consequence was that the line came round and brought in property *here* (*pointing to the plan*) which was close to an existing bridge; and one of the witnesses commented upon that, and said that that property was already served by that bridge. That was so undoubtedly, but we never contemplated touching the property *here* (*pointing to the plan*) as is shown by the plan before your Lordships.

Marquess of *Salisbury.*

3345. What fate was it that forced the semicircle upon the line?—I suppose we thought it the

Marquess of *Salisbury*—continued.

the most simple geometrical figure; in the year before we were criticised for having made a wavy line, and that may have somewhat affected it; but so far as I know that was the only reason. In this plan the green shows the vacant land, which we thought would be certainly improved; and then the different colours represent what in the surveyor's opinion were the grades of improvement that each property would receive. What is not coloured green is actually built on; and if your Lordships will notice the various parts marked A., those were the parts that were supposed to be the most benefited of all; the parts marked B. would be the next; and then the ports marked with C. and with other letters would be practically less and less benefited.

3346. Was it the open land only that you conceived would be benefited and not the building land?—No; I was dealing only with the open land at the moment. The land built upon we also thought would be benefited; all that is coloured on this map we thought would be benefited to a certain extent; the graduations of colour on the building land represent the different degress of the benefit which we thought would be received. The hatched blue would receive the principal benefit; the light blue would be next; then the hatched pink would be less benefited; then the brown, then the pink, and then the yellow. That was the plan laid before our Committee.

Chairman.

3347. That was the original plan?—Yes; that came before the Committee of the Council before we brought in the Bill at all.

Earl of *Onslow.*

3348. That plan never came before the public in any way, did it?—I am not puite sure whether it was put in in evidence.

3349. It naturally would not be if you substituted another plan for it?—We have not substituted another plan for it; it was always a semicircle, with a radius of half a mile.

Marquess of *Salisbury.*

3350. Was it not rather a quadrant than a semicircle; the northern part you cut off, I think?—I rather fancy your Lordship is right, that it was more of a quadrant. Then, my Lord, there was a small point that I thought you would allow me to refer to in Mr. Viger's evidence with regard to certain houses near Queen Victoria-street, which he went to look at; and his evidence gave the impression to my mind that he thought No. 3, Lambeth-hill, which I stated had received improvement, had been altered. We have had it examined, and our people say that they think it certainly cannot have been altered to any large extent; in fact they report to me that an expenditure of 200*l.* upon it was the utmost that could have taken place in putting in the front; and as I showed the rateable value had risen by 70*l.* a year, I wish to state that in answer to Mr. Vigers' evidence.

Chairman.

3351. He only spoke conjecturally on the subject, I think?—Yes; I think he said it might very possibly have been improved through the making of Queen Victoria-street. Then there is a comment which I should like to make upon his evidence. He pointed out some other places near which had not been improved. There is no doubt in the neighbourhood of Queen Victoria-street which I chose there, the general value of the property is depreciating. A few years ago the silk trade left that portion of London, and that has had the effect of throwing into the market, I understand, a great many properties. The general movement of value in that part is a downward movement; so that the cases which I quoted, I should submit, were made all the stronger by this consideration, that, notwithstanding this downward movement round about there, these properties close to Queen Victoria-street have been raised in value. Of course that observation applies to all these cases of diminished value. I noticed Mr. Westacott, who is one of the opponents of betterment on the London County Council, gave your Lordships some instances where the value had gone down. Our contention would be that the property would have gone down in value under any circumstances; and if there was a property that was particularly benefited by the special improvement, we should contend that the mere fact of its being, with all the surrounding property, in course of diminution of value, ought not to affect the question whether it should still bear its betterment charge; because we should say that it would probably have been less valuable had it not been for the improvement being made there.

3352. You would suggest the improvement had arrested its worsement?—It would, naturally.

Marquess of *Salisbury.*

3353. Should you feel yourself justified in carrying that view into the future as well as into the past; would you plead before the arbitrator that property should be subjected to the betterment charge, not because it would be bettered but because it would be prevented from getting very much worse?—I do not think we should be able to plead that, because we shall have to show that it was bettered before we can charge betterment upon it. If it was once bettered it would *pro tanto* be bettered above what it would otherwise be if it became worsened afterwards.

3354. Your previous answer led me to imagine that you included in your idea of improvement the prevention of deterioration?—I did not mean to include the prevention of deterioration; I only meant that it would to that extent prevent its being depreciated. For instance, supposing a house were improved by an improvement to the extent of 20*l.* a year and the next house was not improved 20*l.* a year; supposing all the houses went down in value, then the one that was improved would retain the excess of value of 20*l.* a year over the other houses. They would all go down *pari passu.*

3355. The prevention or retardation of deterioration

Marquess of *Salisbury*—continued.

deterioration would be in your view a species of improvement, would it?—I cannot quite agree with your Lordship's wording of it; it would not quite prevent the deterioration.

3356. It would mitigate it?—It would simply alter the figures. All the property, we will suppose, would lose 20 per cent., but the particular house that was bettered would be 20*l.* a year more valuable than the other houses in the neighbourhood which were not improved by the improvement.

3357. Then, is not my way of putting your contention correct, that the fact of having arrested or retarded, or prevented the value of the house from falling, would be, in your judgment, equivalent to betterment?—Yes, I think that is so.

Lord *Belper.*

3358. To take a practical test; supposing in your original valuation, which was made for assessment in the first instance, a house was valued at a certain value, say 1,000*l.*, and that subsequently, when the new valuation came to be made after the improvement had been carried out, the house was still only valued at 1,000*l.*; according to your contention the value of the neighbouring houses having fallen, say 20 per cent., which would be 200*l.* in the case of that particular house; do you mean that you would be able to take that fact into consideration, and to say that you had improved that house by 200*l.*, although it stood at the same figure as it was valued at originally?—I do not know that the arbitrator would have before him the valuation of the other houses. He would simply say: this house has been brought to the front, and is worth so much a year more.

3359. The object of the original valuation was for the purpose of having some guide as it what the original value was, is not that the case?—The original valuation was not our proposal, but at the same time it would be a guide, no doubt; and I should think probably in a case like that the arbitrator would have some difficulty in putting any betterment upon a house that did not show any improvement.

3360. Supposing there was an agreed valuation, do you contend that you would be able to charge betterment although the value of the house might be no more after the improvement had been carried out, if it was shown that the whole of the neighbouring property had deteriorated in value owing to ordinary causes?—I should think it very unlikely that the arbitrator would agree to such a contention; it would seem too hard a case.

3361. I want to know what in your view the practical result would be as to the course to be taken?—Strictly speaking, in theory, I do not know that the man ought to be excepted for that reason, but it would be very difficult, seeing that what we have to prove is that the property is actually benefited, to prove that this property was benefited, it being worth no more money in the market.

Marquess of *Salisbury.*

3362. Though you say it would be difficult, I gather you would try?—I think we should not try.

Lord *Thring.*

3363. You use it as an argument only to show that the man would not be damnified or violently injured if his property upon which betterment had been charged fell in value at some future time?—Yes.

3364. What you mean is that at the immediate time of valuation you consider it necessary to prove an actual betterment and an actual increase in value?—Yes; that is what my mind was turning on; I was not speaking of the assessment; that was suggested by the noble Lord who asked me the question; I was commenting generally upon a later deterioration of the property, because so much has been said about property going down. I say there is no reason why you should not put a betterment charge upon property because it may depreciate.

Chairman.

3365. I quite appreciate your point; but are you quite accurate? I will take as an example Queen Victoria-street and that neighbourhood, where you said that the City properties situated there had deteriorated by reason of the desertion of the silk trade; do you not think that the houses which were built, and which were appropriate for the trade which previously existed, might become inappropriate when that trade was gone, and that the property might actually be rendered much worse by reason of their having larger houses put up. Take for instance the case of warehouses; supposing the warehouse trade left that neighbourhood, it is possible there might be an actual deterioration in the condition as compared with what it was before?—That is possible, certainly.

Lord *Farrer.*

3366. If you take this very case of the Cromwell-road Bridge, property in South Kensington, as we all know, has gone down in value very considerably in the last 10 or 15 years; supposing you found that the houses which are within your area of betterment have not gone down so much as others that were in the neighbourhood, that would still be betterment?—I should say they were improved by the existence of this improvement, undoubtedly.

3367. They are improved if they are prevented from going down in value, while the rest of the neighbourhood went down; that is how I understand you to put it?—Yes, that is what I said.

Chairman.

3368. It is quite intelligible what you mean; but I think it depends upon a good many things as to whether or not, practically, you would be able to give effect to such a theory?—Certainly.

Marquess of *Salisbury.*

3369. It would be also open to argument, even if the surrounding neighbourhood had not gone down, that this particular property had executed a downward movement on its own behalf, and

Marquess of *Salisbury*—continued.

that accordingly, though there had not apparently been improvement, there had been betterment by the retardation of the deterioration?—I did not wish my statement to be brought into the discussion of the question of how much you are going to assess the value at in the initial betterment; all I said was that betterment being once proved, it was no less betterment because the value of property afterwards depreciated.

Chairman.

3370. What you say seems logically to follow, and though we may not agree with it, it is very intelligible?—Then if I may just finish dealing with what Mr. Vigers said, I notice that he stated that there was a great difficulty in a valuer assessing what was to be the capital value looking to the future; and he stated that in valuing the reversion he invariably took the existing rental. I felt sure that that could not be right in every case, and that a valuer must under certain circumstances look to the future. I may quote, perhaps, a case of my own as a very good instance: a short time ago I took the end of a lease of a house in the suburbs, for which I paid 250*l.* a year; putting that at 20 years' purchase it would be about 5,000*l.*; before I left there the property was valued at and sold for 15,000*l.* It is clear, therefore, that in making that valuation, the valuer at that time took into his consideration the future development of the property; and I should have thought that that rule must have held good all over London and all over the country.

3371. I do not quite follow the example you have given. The valuer would, of course, know the conditions of the property, and as it was subject to a lease he would argue, not as a matter of speculation, but as a matter of fact, that the property on which the house was built and which was let on a building lease, which I understand to be your case, when it came back to the landlord and was no longer subject to the lease, would be of a much higher value than it was originally?—I understood Mr. Vigers to make the much more bold statement that he had to take the existing rentals; and I think you will find in the Minutes he spoke of the existing rental.

3372. I think he put it broadly; I do not think he meant by that merely the rent while the existing lease lasted; because, of course, many properties may be held on leases on a very small rent which have been granted many years ago, and when the lease falls in and the property comes back to the landlord he will let it at a much higher rent than the small rent during the lease?—Precisely; and I submit that that shows that the valuer must invariably look at the future in arriving at his valuation.

3373. That is quite true; but I think you are rather misunderstanding Mr. Viger's evidence. What he meant to convey, I think, was not that he would calculate it upon the rent which it may fetch under the lease, but that supposing the lease were at an end and that it was unencumbered by the consideration of the present rent, he would calculate the value upon the rent

Chairman—continued.

talis qualis as the property would fetch?—In that case the valuer would be calculating upon the rent that the property would fetch in a few years time.

Marquess of *Salisbury.*

3374. Mr. Vigers, I think, separated the variable from the fixed elements. Of course the lease being about to determine at a certain date was a fixed element, which he could ascertain and reckon with; but the possible enhancement of the property otherwise was a variable element which he could not foresee?—That would be not the existing rental but the rental in the future.

Chairman.

3375. When you say "the existing rental," I think you are not quoting Mr. Vigers's words quite accurately; what he said, I think, was "the rental value," not the "rental"?—If we are to understand the rental value to be the rental, looking at the future (because that I submit is what a valuer must do in these cases), that is quite sufficient.

Lord *Belper.*

3376. At the end of the lease, it might be the present rental value; supposing you had a lease of a 100 years, the rent under the lease being 200*l.*; but, supposing the rent, if the lease were renewed now, would be 2,000*l.*, at the end of the lease it has already acquired that value; that is to say, it may be worth the 2,000*l.* now, if the lease could be arbitrarily terminated?—It has acquired that value because, looking at the future, the valuer sees that it will be developed in the way of building land.

3377. In the question I am putting the property has actually got that value now, but it is under a lease that cannot be broken by the proprietor?—But the value it has now must depend upon the fact that it is going to fetch a large rent in the future.

3378. I do not think it is a question of the future; it may be the present; I do not say the value that the lease would fetch if it were sold, but the actual value of the property, if it could be put into the market, might be far more than they were actually giving for it?—That has the future in view.

Lord *Farrer.*

3379. It is not simply the rent of this year, but what the rent is likely to be that is got from the lease?—That is what I understand to be the operation passing through the valuer's mind.

Lord *Thring.*

3380. Let me take as an illustration the Athenæum Club, which we all know in 30 years' time will produce double or treble the present rent; if you were to value the Athenæum Club at the present moment, of course it has a capacity to produce a very much larger rent than the present rent, and that is necessarily added to its value?—Yes; I should say that was so in every case.

3381. I think

Lord *Thring*—continued.

3381. I think I pressed Mr. Vigers a little too hard upon those words "rental value" (because I took the same point as you are now making); he explained that he meant by "rental value" the rent which the property would produce assuming it were going to be let immediately; that is to say, discharging the existing rent and bringing it into the market immediately?—Yes, assuming that you could build upon it or develop it in some way. Then there was a question which I dealt with to a certain extent, I think in regard to the alternative proposal to buy the fee simple instead of putting a betterment charge upon it and let the leases run out.

Marquess of *Salisbury.*

3382. When you say "let the leases run out" the phrase, I think, was rather "letting the occupations run out"?—Yes, letting the occupations run out. I am afraid that is a proceeding that would be very complicated, and in many cases it would not work well at all. As I stated in the first place, if you leave the occupation interests running without affecting them at all it is to be presumed that the occupying tenants reap so much betterment from the improvement.

3383. Is not that a very strong presumption, considering the amount of disturbance which you must necessarily create in their trade by making the work. The value of their trade interest is only a few years' purchase, and during, at any-rate a considerable portion of that time, they would be rather deteriorated than bettered, would they not, by the street improvement being carried past their doors?—They might be; but, on the other hand, they might not be.

Chairman.

3384. However that may be, what the noble Marquess puts to you is quite true; that, taking the value of the goodwill, for instance, I have never known in my experience more than four years' purchase being given for the goodwill; have you?—An ordinary trade fetches that, if there is no monopoly right, or anything of that sort; but what I meant was this, that presuming there is an occupying tenant whose shop is brought forward, and who really does receive benefit, if you simply buy the freehold, and leave him in possession, he will reap the whole benefit. Our proposal is that the charge for betterment shall be charged upon that man among others, and that he shall have to pay what, in the opinion of the arbitrator, is the occupier's benefit. That you cannot get by the other system.

Marquess of *Salisbury.*

3385. Would it not be better that you should turn him out and sell the occupation to someone else, or to himself if he would take it?—You cannot turn him out, because he has a right for a certain number of years. If you turn him out he comes under the Lands Clauses Act, and you have to compensate him.

3386. But if the property is so much improved in value you would then get the advantage yourselves?—At the same time we should waste the

Marquess of *Salisbury*—continued.

money in paying him compensation, because it is no use turning a man out before his time and paying compensation when four or five years hence you can turn him out without paying him anything. It would probably swallow up all the profits, and that is in fact what we find has happened; that is to say, the extra expenses that are involved in doing that swallow up the whole profits.

3387. I imagine that you are dealing with an extraordinary case where you purchase a great amount of improvement in a man's trade which you say he would get from the improvement; but surely if in place of treating him as you propose, you go and buy him out at once you will gather the four years' harvest for yourself?—The four years' harvest that we should gather would be discounted from the beginning, because we should have to pay him so much for turning him out before his time.

3388. But you would not pay upon the improved value but the actual value?—We pay for the actual value *plus* 10 per cent. for compulsory purchase; in fact the whole thing is a losing concern where we turn people out. We lose the money before we get it in

3389. You pay for the disturbance?—Yes.

Earl of *Onslow.*

3390. The difference between this plan of recoupment and betterment, as I understand your contention is, that while both catch the owner, betterment catches the occupier also?—Yes.

3391. The only advantage of betterment over this system of recoupment is that you would be able to levy the charge upon the occupier?—That is one of the advantages. Another reason for preferring it is that sometimes in carrying out our improvements we come across houses held under all kinds of tenures. If we find a freeholder who is in occupation we should undoubtedly have to pay him this 10 per cent. for compulsory purchase under that scheme. Our idea, again, is to avoid paying that man for going away when there is no good in his going away at all. We wish rather to simply intercept the improved value. We think it is wasteful to have to pay him for going away.

Marquess of *Salisbury.*

3392. The whole difference then oscillates within the limits of the 10 per cent., does it?—Not entirely within the limits of the 10 per cent., because all our transactions under the Lands Clauses Acts are very losing concerns indeed. Supposing we merely purchase the fee simple of the property, if we purchase it under the Land Clauses Act we have to purchase it above the market value, and then we pay 10 per cent. for it for compulsory purchase, and then after that a lot of costs.

Chairman.

3393. When you say you have to purchase above the market value, I presume you mean that practically you do that; for I am not aware of any law that makes you pay above the market

value

Chairman—continued.

value for it; the market value is supposed to be the rate at which you pay?—I do not think that is quite so; because in the Housing of the Working Classes Act it is distinctly said that we shall buy at the market value; and arbitrators invariably give more in cases under the Lands Clauses Act than they do in cases under the Housing of the Working Classes Act. We have to pay more than the market value of the property in cases under the Lands Clauses Act.

3394. I am speaking of what is laid down by Acts of Parliament, not of what lawyers may argue before an arbitrator, or what the view of the valuers may be. One of the elements of uncertainty may be that the valuer's view is sometimes very uncertain; but the Act of Parliament gives no power to take other than the market value, does it?—I think it is more than the view; it is the custom that has grown up. In the same way, for instance, there is no mention of the 10 per cent. in the Lands Clauses Act; but it is always given. What very often happens is that a man gets 10 per cent. upon the purchase-money, because he says he is going to be forcibly driven out and his trade destroyed, and then he just moves over to the other side of the road and pockets the money, and is in as good a position as before. I say that all that money is wasted; and what we are trying to do is to find some means to save that waste.

Marquess of *Salisbury.*

3395. Do you mean to say that on these items of difference rests the whole of the fact that in recoupment you lose instead of gaining?—I think generally speaking that is so; that in our system of recoupment, the system of buying the whole place and turning out everybody, and having to pay all these extra costs, swallows up all the profits. I have got one or two figures which I should like to give your Lordships upon that point.

Lord *Farrer.*

3396. Before you go to the figures let me ask you, are the County Council obliged to turn out everybody; or could they buy the reversion and leave the occupier in possession to the end of his time?—We have always been advised, and I believe it has been accepted as the law, that if you touch any property at all, or take any interest in the property, you must take the whole. That is the practice under the Lands Clauses Act.

Marquess of *Salisbury.*

3397. That is capable of modification, if it is so?—Yes.

Earl of *Onslow.*

3398. You say if you take any of the property?—I should say, if you touch any interest, you must take the whole interest.

3399. If you have a larger area, and do not necessarily take the man's property for the street improvement itself, is it still necessary, in your opinion, that you should pull it down?—Speaking subject to correction on the legal point, I believe that is the effect of the present law.

Chairman.

3400. It depends, does it not, upon the particular Statute under which it is done?—I said I believed that was the present law.

3401. When you say "the present law," is not that rather a fallacious expression; you mean, do you not, the practice of Parliament in giving the special powers; there is no law at present under which you can take a man's land except the Lands Clauses Act?—Under the Lands Clauses Act we must pay everybody, as I have said.

Lord *Thring.*

3402. Under the Lands Clauses Act power is given to purchase any interest whatever, from the smallest to the greatest; but all the private Acts that I have ever seen (there may be exceptions, of course; in giving powers of pulling down or taking property, make it necessary to purchase the whole; but it is a fallacy to speak of it as being under the Lands Clauses Act; it is under the custom of Parliament in these special Acts?—Yes.

Chairman.

3403. I daresay you were thinking of the particular clause in the Lands Clauses Act, whereby if you take part of a house, including therein the curtilage, and so on, if you receive a counter notice from the owner you must take the whole?—I was not thinking of that particular provision. I was thinking of the other branch. It has always been my impression that we were bound to take all the interests if we take any.

Earl of *Onslow.*

3404. Are not all these Improvement Acts founded upon the Metropolis Street Improvement Act of 1877; are not the same clauses practically embodied?—Yes.

3405. Let me read to you what are the words of the Act of 1877: it says in Section 5: "The Board may enter upon, take, use, and hold and acquire easements over such of the said lands as they may deem necessary for the purposes of the improvements, and for providing space for the erection of houses and buildings adjoining and near thereto"; and then Section 29 says: "The Board shall within 10 years after the completion of the improvement for the purposes of which the lands have been acquired, sell and dispose of to any person or persons, and grant and convey such parts of the said lands as they may have purchased under the authority of this Act which shall not be wanted for the purposes of the improvement." That is to say, they are obliged under that Act to dispose of all the property they have purchased within 10 years; is not that so?—Yes.

3406. And the interests that are concerned?—Yes.

3407. They

Earl of *Onslow*—continued.

3407. They are limited to 10 years; they must therefore necessarily, as soon as they possibly can, pull down the houses and clear the ground, and re-sell it, because they have only 10 years to do it all in?—May I say that that limit has been extended; it is not 10 years now; it is the same time as our loans run for: that is practically 50 or 60 years.

Marquess of *Salisbury.*

3408. There is nothing in those words to force you to pull down the property; you may keep the house standing, or pull it down, or sell it, just as you please?—I can only repeat that my impression was that if we take anything at all we must take it all. Of course I may be wrong.

Chairman.

3409. It is not very material to consider what the words are under the present law, when we are considering what the proper amendment of the law is?—Yes. I am rather turning my remarks to the proposed special amendment in the application of the existing law, namely, that we should buy the fee and let those interests run out. Whether that power exists or not, we do not think it is so good as the power of making a betterment charge, for the reasons which I was giving, namely, that we do not practically get hold of all the improved value at the time; and, secondly, because, as I say, even if we took the fee alone and nothing else, we should find we were called upon to pay what I may properly term an extravagant price. When we buy the properties we find, as a matter of fact, that we always have to pay an extravagant price above the market value; and therefore we think it would be better to leave them alone and intercept the benefit.

Marquess of *Salisbury.*

3410. When you say you have to pay an extravagant price that is not in the Act of Parliament; it is an idea that has grown up in the mind of the arbitrator or the jury?—I think it is the custom of the arbitrator; and custom in such a case is almost as good as the common law.

Chairman.

3411. I cannot help thinking that there is a little change in the matter, according to my experience. Undoubtedly at one time when a railway company, or some similar institution, was getting property, there was an idea in the minds of a jury that the railway company was very rich, and the man was not very rich, and therefore the company ought to pay very handsomely; but in my experince in latter years I think juries and arbitrators have been a little more strict in their application of the law, namely, to give only the real value of the property; has your experience differed from that?—Our experience up to the present has been that under the Lands Clauses Act we pay more than we do under the Housing of the Working Classes Act, because in the latter Act it is distinctly stated to be limited to the market value of the property, whereas it is not so stated in the former Act.

Marquess of *Salisbury.*

3412. In the Housing of the Working Classes Act the clause is almost of a penal character, is it not; it is on account of the bad state of the property that the price is reduced, so that one may imagine that those words have in them a punitive element?—I do not know whether it occurs in that clause, but that idea runs through that Act.

Chairman.

3413. One of the principal authors of that Act stated in Parliament that in his experience arbitrators always gave the 10 per cent. notwithstanding the provision in the Act; that seems to be your experience?—They do in many instances, not in all; there is a custom grown up by which they are able to evade the law.

3414. I think you were about to put some figures before us?—Yes; we have had only a very short time, but we have tried to get out some figures which would show to your Lordships what we mean when we say that we lose unnecessarily in these transactions. I have got a map here (*placing a map before the Committee*) showing the Charing Cross-road improvement on the site of Cambridge-circus. We purchased what is coloured on this map, purple, pink, and yellow, and in this instance we are able to diffferentiate between what we took; the yellow and the pink is that which must have been taken for frontage, and the back land which was taken is coloured purple. I have got out the figures as far as I can, dividing them between what we call occupying interests and non-occupying interests. I am afraid it is impossible to make a more detailed division, but this is practically the division we have taken; and in my opinion it fairly represents the state of affairs. On this purple portion alone, which is back land, we paid for occupying interests and trades (that is to say, the whole of the occupying interests) 9,970*l.*; and we paid for what we call the non-occupying interests 13,000*l.*, making a gross cost of 22,970*l.* Now the present value of the land is 18,248*l.*, leaving us in this position, that we lost 4,722*l.*

Marquess of *Salisbury.*

3415. That is less than you paid for the occupying interests?—Yes; the net loss is, as I say, 4,722*l.*; the occupying interests cost 9,970*l.*; so that if we had not had to spend 9,970*l.* on the occupying interests we should have made a profit of 5,248*l.*, instead of having a loss of 4,722*l.*

3416. If you had let them run out at the end of four years, taking that as the average, you would have been at the end of the four years with that 9,000*l.* in your pocket?—I think it is rather a large presumption to say that you would only have four years to run out. In buying their trade interests they are valued at four years' purchase; but I presume a good many of these occupiers would have leases with more than four years to run.

3417. Would not four years' tenure be equal to four years' purchase, if you told them that at the end of the four years they would have to go?—I do not think that would be the same thing.

Chairman.

3418. I am not quite certain that I follow what you mean. If you are speaking of a mere trade interest, the goodwill of a trade which the noble Marquess is referring to, that may be valued at four years' purchase; but if you speak of the tenure including leaseholds, I thought you had been distinguishing between mere occupiers and leaseholders with longer terms?—Yes.

Marquess of *Salisbury.*

3419. I understood you to mean trade interests?—No, it does not mean trade interests only. We have divided the interests into occupying interests and non-occupying interest. The non-occupying interests are clearly the value of the land. The occupying interests include a certain amount of interest for the lease and a certain amount for the value of the trades. That figure therefore does not accurately represent, and we cannot get it out so that it would accurately represent, the value apart from the lease; because the occupier makes his claim and gets it as a whole.

Chairman.

3420. That is quite true; but could you let us know whether in this case, which you give as an example, there were any leaseholders?—Yes, there certainly were.

3421. I mean leaseholders who were at the same time occupiers; because that is the difficulty of your proposition. You must have the two characters united in order that the difficulty that you speak of should arise. I should have thought, looking at the sort of place which this was before the improvement, it was very unlikely that any of the leaseholders were occupiers. It was a very poor neighbourhood before you took it, was it not?—If so, that would be all the stronger; because then the great portion of this sum would be for trade interests.

3422. But then it would be subject to the observation which the noble Marquess has made, and to which your reply was, that you could not let them run out in four years, because the lease went on after the trade interests, as I understand?—Yes.

Lord *Belper.*

3423. How would that bring out your profit then? You have not got rid of the occupiers if you do not buy up their interests, have you? If you gave them four years' notice would you pay them anything?—No. As it is we have spent in round figures 10,000*l.* on these interests, and the net result in our account is 5,000*l.* to the bad. If we had not spent the 10,000*l.* and let them alone, we should have been 5,000*l.* to the good.

3424. That is to say, if none of these people had had leases?—Yes.

3425. If any of these people had leases, that would come in as an element, and would so far modify your calculation?—I think some of them must have had leases.

Chairman.

3426. It is not a question merely of their having leases; but in order to meet the observation which has been put to you, you must assume

Chairman—continued.

that they are leaseholders and occupiers at the same time, because it is only then that you have have this confusion of the two interests?—These people are all occupiers; we call them occupying interests; whether they are also leaseholders or not, I am not certain.

Marquess of *Salisbury.*

3427. Unless there is a sufficient number of leases to take down the difference between the 10,000*l.* and the 5,000*l.*, the practice of running out would have saved you from loss?—Yes; I think the practice of running out, provided the tenures are short, would in this instance have saved us from the loss which we have incurred; but then our contention is that better than that is the system of charging the benefit that actually accrued. I find that there were 16 occupiers.

Earl of *Onslow.*

3428. You have always proposed to keep for yourselves the alternative of recoupment or betterment, have you not?—Yes, that is the plan of the Bill, that we should be able to adopt either course. I have one other instance which I should like to put before your Lordships. It has been very difficult to pick out an instance that is simple, but I have one here that is simple (*placing a plan before the Committee.*) In this case we took a portion of land, and we also took *this* back land *here* (*pointing to the plan*), which we need not have taken.

Chairman.

3429. Why do you call it "back land." The greater part of it fronts on Nassau-street?—I mean that it is back land to our improvement.

Lord *Farrer.*

3430. In what you said just now in reply to Lord Onslow, you did not mean, did you, that in this Bill the Council have the alternative of recoupment or betterment?—Yes. Certainly they have the alternative.

3431. They have the alternative of buying altogether?—Yes.

Lord *Belper.*

3432. But not recoupment on the more liberal terms that have been suggested, without buying out these various interests?—No.

3433. Your recoupment is recoupment in the unmodified form?—Yes.

Earl of *Onslow.*

3434. If that is so, what is the meaning of Clause 32 of the Bill; because under Clause 32 you have taken power to let your surplus land from year to year or for a less period, or for a term?—I do not appreciate your Lordship's point.

3435. There is nothing in this Bill to compel you to pull down the houses and compensate the occupiers, because you have 50 years within which

Earl of *Onslow*—continued.

which you may dispose of your surplus land, and by Clause 32 you take powers to let those surplus lands?—Yes; but both those operations are after we have gone through the preliminary arrangements with the existing tenants and owners.

3436. I do not see how that comes in this Bill; it may be so in the law, I do not know; but in the Bill I see nothing about it?—We have had to alter these clauses a good deal in the last few years to give us better powers to deal with land after we have got the lands.

3437. Are you under the impression that supposing this Bill passed you would be compelled to pull down all the houses and compensate the occupiers?—I am under the impression that if we take any interest in any property we must take all the interests in the whole of the property.

3438. If you take any, whether for recoupment or improvement?—Yes, that is our impression.

Lord *Belper.*

3439. With respect to the particular property in which you showed that, by a more satisfactory system of recoupment; that is to say, not buying up the occupiers, you would have made a profit of 5,000*l.*, are you able to show at all whether you could have got anything like that sum by betterment out of those houses, or what you would have got?—The only difficulty is this: it all depends upon whether we can show what has been the actual accrued value to the fee-simple that we have got over and above. It is no criterion of that to give the figures we paid for it, because we pay for everything. We pay for the whole of the interests in the fee-simple, including houses and everything else; so that I dare not even suggest these figures as a comparison. In the instance which I gave the price of, what I call the non-occupying interests was 13,000*l.*, and the present value was 18,000*l.*; so that in that instance it looks as if there was an improvement, but I do not like to put it too certainly, because, as I say, that 13,000*l.* that we paid does not exactly represent the same state of affairs as the 18,000*l.* But I think in the case of this improvement at the corner of Cambridge Circus, which I was describing, there is undoubtedly evidence of the improved value.

3440. No doubt; but it rather struck me on these figures that, if you could buy under this recoupment scheme without buying the trade interests, in many cases you probably would be better off than if you charged a reasonable betterment; do you think that would be so?—I do not think it would myself.

Marquess of *Salisbury.*

3441. I think you were about to refer to another improvement?—Yes; I was going to give you an instance which was simple, and where we can dissociate the front land we took from the back land, which we need not have touched at all.

Chairman.

3442. That is the purple block between Nassau-street and Hay's-court?—Yes; in that case we paid for occupying interests about 12,800*l.*

Chairman—continued.

Marquess of *Salisbury.*

3443. Have you any note of how much a square yard that is?—I could ascertain for you.

3444. You do not happen to know at the moment?—No. For non occupying interests we also paid 21,870*l.*

Chairman.

3445. I suppose that includes both the purple, the pink, and the yellow?—I am dealing only with the purple at present; because the moment you deal with the front part you get into such complications; you have to take into consideration the land you are throwing into the road; so I thought it best to deal only with the property we did take and which we need not have taken.

Marquess of *Salisbury.*

3446. Which you took, so to speak, for trafficking in it; it was not necessary in any sense for making the improvement?—That is so. For the non-occupying interests we paid 21,870*l.*, making a total of 34,670*l.* The value of the lands was 18,016*l.*, leaving a net loss to us of 16,654*l.*

3447. Was this done by you or by your predecessors?—By our predecessors. That leaves, as I say, a net loss to us of 16,654*l.* The cost of the occupying interests being, as I said, 12,800*l.*, if we had not paid that we should have lost only 3,854*l.* instead of 16,654*l.*

3448. Can you tell me how many occupying lessees there were on that property?—There were six leaseholders and one freeholder occupying, I am told.

Lord *Belper.*

3449. Am I right in supposing that there is another element to be taken into consideration, namely, if you do not buy up the occupying interests you are out of your money for four years. Does it make any difference so far as your interest on the money goes?—I should think not. We should be in the same position as the freeholder.

3450. Should you be able to realise your money for the land sold as soon, if you did not buy up the occupying interests, as if you did?—I do not quite understand the question.

3451. You make your money, do you not, by re-selling the land?—Yes.

3452. Should you be able to do that as soon if you do not buy up the occupying interests as if you did?—No; we should not be able to step into the immediate value so soon.

Marquess of *Salisbury.*

3453. But you could get rid of your bargain; you could always sell land with other interests standing upon it, could you not; one sees such things advertised constantly?—Certainly.

Lord *Belper.*

3454. As a matter of practice, ought you to take into consideration at all, or would there be any difference in your position, whether you

Lord *Belper*—continued.

bought the occupying interests or whether you did not, so far as capital not returning interest is concerned?—No; as I have already said, I think we should be in a better position if we bought them and let them run out than if we bought them and destroyed them, as has been done.

Marquess of *Salisbury.*

3455. Can you tell me whether these values were fixed by private agreement, or did they all go before an arbitrator; I am referring now to this particular purple block?—I cannot tell you about the particular ones, but I could ascertain, no doubt.

3456. What was the general practice of the Board?—I will give you some figures upon that as to our general practice with regard to arbitration.

3457. I am anxious to know more about the practice of your predecessors?—All this would be as to our predecessors; it is all historical. I am not quite sure whether this is what your Lordship was wishing me to state, but it is a point I wish to bring before the Committee with regard to our experience as to arbitration. It has been stated that there will be such a large expense incurred, and also that we have not put trial by jury into this Bill. Out of 183 claims arising upon one scheme nine only went to arbitration, and in five cases, the amount being over 1,000*l.*, the claimants were entitled to an appeal to a jury, but in no case was an appeal to a jury made. So that it shows rather that the chief portion of this work is carried out by agreement.

3458. I presume it was the smaller people who agreed, and the bigger people who fought, was it not?—I am told that all the big ones in that case were settled with, and the smaller ones went to arbitration.

3459. Was it you that settled them, or your predecessors?—No, this would be ourselves. Then in connection with that Mr. Baumann has stated that recoupment failed because of the malfeasance of our predecessors. I think it is very likely, in fact I think it is probable, that in the case he mentioned of the Pavilion, when a large sum of money passed, instead of a loss having been shown as a result, there would have been a small profit. That was one of the instances which we showed in this paper, which was handed to the Committee of the House of Commons. I do not know whether your Lordships have had it.

Chairman.

3460. I think we have had the effect of it, but I do not think we have had a paper handed in?—I will hand it in. We compared the Gray's Inn-road, the Charing Cross-road, Shaftesbury-avenue, and Marshalsea-road, two of those Mr. Baumann took exception to one of them being the Shaftesbury-avenue, which did result in a loss by reason of the black-mail which was levied upon the person who bought the property; the other case of Gray's Inn-road, which he referred to at length, did not so result at all, because by some mischance, Mr. Baumann has made a great mistake. He put in the public-house which he called the "Yorkshire Grey," and gave you a long story about the malpractice which went on in relation to that public-house, but the cost of that public-house was charged to the Theobald's-road improvement, which is a road running out of Gray's Inn-road, and not to the Gray's Inn-road at all, and, therefore, it did not affect the figures which were handed to the House of Committee; and as regards the Gray's Inn-road they still stand showing an extra cost in regard to the recoupment system of 86,000*l.*

Chairman—continued.

Marquess of *Salisbury.*

3461. Do you not think if corruption has been found to exist in respect to one or two portions of the improvements, that it would unfavourably affect the prices of all of them; unfavourably I mean as far as the Metropolitan Board was concerned?—It is very difficult for me to probe this matter at this time, but from what I have been able to ascertain, the Metropolitan Board of Works as a rule sold property with a few big exceptions at what was a fair value, but the outside people bribed the officials to get them to give them the property, knowing that they could make a good profit out of it. That was the case as to the site of the Colonial Institute. I think, although those figures look very large, probably so far as the Board was concerned, they sold it at a fair value; but there was an enormous betterment there which a man saw would accrue, and he, speculating, was willing to give that value, and also a considerable tip to the official who got him that site. My impression is that the transactions of the Metropolitan Board of Works were very much of that kind; they did not sell very much below the value; they were advised as regards the value; but the people who wanted to speculate fee'd the officials in order to get them to recommend them as being the purchasers.

3462. Do you think it *a priori* probable that the corruption stopped at the line you have drawn?—I think it is probable, because it would have been a difficult thing for the officials of the Metropolitan Board of Works to recommend the sale of a property far below its value.

3463. Yes, far below; but you could invariably affect the figures of a value without being discovered by the laity, could you not?—Of course it is very difficult for me to say anything upon the matter, but that is my view of the colour of those transactions.

Chairman.

3464. This is rather a question of what inferences one ought to draw, and I do not know that you are in a better position to draw the inferences than we are. The argument is of this character: here is a person who was habitually employed by the Metropolitan Board of Works to do this work,—to make recommendations; and in two instances, or one instance, for that matter, it has been found out that he has received a bribe. It may be that all the rest is a blank, and that you have not a particle of evidence, except in that one case, to prove that he was corrupt,

Chairman—continued.

corrupt, and I think the inference as to that is for us as well as for you, is it not?—Yes; there is no doubt that they received bribes from people who wanted to get land, but whether they recommended the committee of the Board to sell at what was not a fair value at that time, is very doubtful, and therefore I do not think you can say that recoupment has really failed because of those malpractices.

3465. Let me put this to you: assuming the explanation to be accurate, if the Metropolitan Board had been in the same position as the person who was bidding, and had an honest valuer, instead of one who was capable of receiving bribes, is it not probable that they would have insisted on the larger sum, rather than the smaller, because they would have been informed by an honest official that such-and-such a site would be worth a great deal more than it was sold for. That would be the common-sense inference, would it not?—In the case of the Pavilion, I think there is no doubt that would apply. There a very large sum was paid, and a large sum was lost, but in the majority of cases I do not think the practice of the adviser to the Board was to recommend the Board to sell at a lower price than a reasonable price.

3466. That you cannot possibly tell, can you?—No.

3467. You have no means, as I understand, of testing that, have you?—I have no means except what I have been able to ascertain from inquiries. But Mr. Baumann has made his statement, and I do not believe it can really be substantiated as affecting the question. Therefore, I have made inquiries which enable me to say that, as a rule, the transactions, although they were corrupt by reason of the fact that they got bribes, were not unfair transactions as regards the sale of the property.

3468. The obvious thing to remark, is it not, is that the bribe itself was something coming out of the pocket of the purchaser, and at least to the extent to which that bribe went, the purchaser found it worth while to give the bribe as well as the agreed price?—But that was very small in many instances.

Lord *Belper.*

3469. Do I understand that you assume rather that the purchaser had a right to make a profit out of a betterment scheme? In the case of an authority that were looking sharply after their business, would not they know that a large part of that profit ought to be made by themselves, and that therefore they ought to sell at a higher price?—They did, undoubtedly, and that is the only explanation in my mind of how it was they were not sooner found out, because the Board had surveyors, and they could not have carried on that system unless the advice to to Board was to sell land at a fair value.

3470. But in these cases they sold at such a price that all the profit went to the man who bought, whereas if they were doing their work well they would have sold at such a price that they would have made a large portion of the profit, would they not?—That is so in those two bad instances.

Lord *Lingen.*

3471. The transaction we are dealing with is when the Board had acquired land and wanted to sell it again, is it not?—Yes.

3472. Was the sale always by private contract, or by auction?—In those cases by private contract.

3473. And the corruption consisted, did it, in the suggestion of the purchaser under the circumstances?—Yes; that was the extent to which, in my opinion, the corruption went.

Lord *Farrer.*

3474. Was any large quantity of the land sold by public auction, do you know?—I should not like to answer the question.

3475. Because that would afford some test as to whether the prices given in the cases of private contract were lower than they ought to be, would it not?—It would be, but it is very difficult to probe the matter at this distance of time.

Chairman.

3476. But how could you test the proposition unless you found out what the property was, what the advice given by the official was, what the price obtained was, and whether or not that price was an adequate or inadequate one?—It certainly is very difficult to test.

3477. It is impossible unless you have all those elements, is it not?—It is the result, as I have said, of mere enquiries; and from those enquiries I have had that effect produced upon my mind. I do not stand here to defend the Metropolitan Board of Works, but I firmly believe, myself, that those few cases cited do not bear out the contention that the whole of the losses of recoupment were due to malfeasance.

Lord *Farrer.*

3478. Can you form any judgment whether, taking the properties as a whole, they were sold at much below what their real value turned out to be?—It is very difficult to give the figures.

3479. Is it generally supposed that they turned out much more valuable to the purchaser?—Some of them did, and some of them have turned out very much less valuable.

Lord *Lingen.*

3480. Is there any reason that you know of that they did not resort to auction, or why all these properties were disposed of without an appeal to the public, taking the chance of a private purchaser and valuation?—I think that was part of the scheme of the man who advised the Board.

Marquess of *Salisbury.*

3481. But if the purchasers did not get anything by their bribes, do you not think they were remarkably benevolent persons?—They did get something by their bribes; they got the position of a possessor of a property which was very likely to be improved. It was speculation in these frontages which did it, and the

Marquess of *Salisbury*—continued.

Board sold, as I say, at a price which was a fair price at that time.

3482. Including their presumed improvement?—They did not get the highest value which they might have got for it.

Earl of *Onslow.*

3483. But when you say that, in your opinion, they sold it at about the fair value, how do you account for the statement Mr. Baumann made, that the site of the Colonial Institute was obtained from the Board at the rate of 560*l.* a year, and very shortly after it was let at a rental of 1,090*l.* a year. Surely the value of a thing is what it will fetch, and if it was worth, a few years afterwards, 1,090*l.* a year, the Board cannot have sold it at anything like its real value when they sold it for 560*l.* a year, could they?—They let it at 560*l.* to the tenant.

3484. Then they sold it at so many years' purchase of 560*l.*, and it was proved afterwards that the value of the property was nearly double, in fact, was it not?—I did not take exception to that case.

3485. I am merely asking you if that was the case, how it is correct to say that the Board sold approximately at the proper value?—I have tried to say (I am afraid I have not been very clear) this. There are a vast number of transactions; these few are shown by the inquiry to have been carried on in that way. If the system had been one of selling under the value to the extent to which it must have been carried out if it applied to all the cases, then it is inconceivable that it should not have been discovered sooner, because the only way in which it could have been done was by bringing what was known to the surveyors and the Board a fair market value, not a high value; they did not get the highest very likely, but I do not think those cases are shown to be general enough to have affected the general question of recoupment. As to Gray's Inn-road, as I have pointed out, Mr. Baumann has made a great mistake.

Chairman.

3486. You are quite entitled to your opinion; but I confess myself that this is rather a question of the inference we ought to draw from the facts already in evidence. You did not give us the values or the sale prices in any other instances except those we have had before us. I have no doubt you sincerely entertain the impression you do, but when you speak of increase of the particular properties, have you inquired into it?—Those two instances I have given you to-day have had nothing to do with the Pavilion site.

3487. That may be, but I think you misunderstand the effect of the argument. Mr. Baumann says, "I will show how the valuer upon whom the Board were in the habit of acting has in one or two instances, I do not care if it is only one, made obviously what would have been a great mistake, had he not received a bribe, he made the Board accept a good deal less than the real value." Then, says Mr. Baumann, "This gentleman who was proved to be corrupt, was

Chairman—continued.

in the habit of recommending prices to be taken, and therefore I infer that was not a single transaction. Although I only prove one, I have proved that the man who was in the habit of giving advice, was corrupt." That is a fair argument; I do not say whether it is conclusive or not, but you do not seem to answer that by saying "I have made inquiries," unless you tell me what the inquiries were?—No, because I am trying to combat what I think is an unfair inference, that he is no more justified in making that inference than I am. But may I point out that the cases he gives are cases of bits of land on the frontages of great improvements; and as to those bits of land there was very high speculation; they were just the pieces of land which people would do their utmost to get hold of cheaply. But in the instance I have given to-day there is no right to say, that because it happened in the Pavilion site, which was a very important site, that it went on in the ordinary sales, of which there were a multitude.

Marquess of *Salisbury.*

3488. It is a question of the patheology of corruption, is it?—And to my mind, common sense, to a great extent.

Lord *Farrer.*

3499. And in one of the cases referred to, the Colonial Institute in Northumberland-avenue, recoupment was a success, was it not?—Yes.

3490. Notwithstanding that the property sold a short time subsequently for much more than was given for it?—Yes.

Chairman.

3491. But the argument is, the public body ought to have got the whole interest on part of it?—There is no doubt, where there was a lot of speculation going on, there was a good deal of bad faith.

Lord *Farrer.*

3492. Have you experience of the London County Council in this matter of recoupment, or is it all experience of the Metropolitan Board of Works?—I have not got out any figures, and I am not sure whether we have any which we can lay before the Committee. You see we have been in existence now only five years.

Earl of *Onslow.*

3593. Have you undertaken any scheme in which recoupment came in; I mean other than the continuation of those inaugurated by the Board of Works?—In continuation of the works there have been a good many purchases.

3494. But there has been nothing originated by the Council in the way of recoupment, has there?—I am not quite sure.

Chairman.

3495. At all events, if there has, you are not able to give us instances, are you?—We have had powers given us to carry out small improvements,

Chairman—continued.

ments, but we have done nothing large in the way of improvements like those of the Metropolitan Board of Works.

Lord *Lingen.*

3496. Was not there a Parliamentary Inquiry or a Royal Commission as to the facts about the late Board?—Yes.

3497. And there would be a Report in which those facts would appear, would there not?—Yes; and Mr. Baumann quoted his facts from that Report. I see there is some question about the notices that our Bills should have had. I think the Committee understand, as regards the notices, that we gave all the notices that are required under the present Standing Orders.

Chairman.

3498. I think there is a little misunderstanding about that. At present you have no Standing Order which makes you give notice to persons who are only to be bettered and not have their property taken, have you?—That is so.

3499. On the other hand, the giving of those notices misled, among others, my noble friend Lord Hobhouse, who did not believe there was recoupment included in your scheme, because he assumed you only meant those notices to apply either to the persons whose property was to be moved from the actual site of the improvement, or to those persons whose property was to be interfered with; and he had no notion that you contemplated recoupment as part of your scheme?—I certainly think there should be some arrangement by which notices should be given.

3500. You think there ought to be a notice, do you; if a person is to be charged with betterment he ought to receive notice?—I think it would be fair. Of course I need not point out to your Lordships that there has been no miscarriage of justice this year, because the Bill has been two years before the public, and therefore everybody must have had notice.

Lord *Zouche.*

3501. Ought not the owner of property to be heard at the preliminary valuation, the valuation of the property which is made before the work is carried out; I think as the Bill stands they have no right to be heard, have they, at that stage?—As I understand the clause, it means that no one is to be heard; that is to be an independent valuation, that it is to be shut up.

3502. Ought not the owner to have his say as to what the present value of the property is; of course he might always say the valuation was too low, might he not?—I do not quite see the advantage of the preliminary valuation. If you hear the owner, you must hear the other side, and then you must have the whole thing fought out.

Lord *Belper.*

3503. If you could get an agreed value beforehand, it would clearly be an advantage, would it not?—It would be so.

Lord *Belper*—continued.

3504. But if the original valuation is disputed, it only makes another element of doubt as to betterment afterwards, does it not?—I should think it is very possible the original valuation would be disputed at the end of seven years, but it would be very strong evidence of course as to the value of the land.

Lord *Zouche.*

3505. But if you have an original valuation at all, is it not right that the owner of the property in question should be heard at that valuation. If the original valuation is brought about as the basis or starting point, which I presume is the object, of course it is very important that that should be a proper valuation, is it not?—It is, certainly.

3506. And the owner might have a great deal to say as to what the present value is, otherwise he might possibly claim that the value was put too low, might he not?—Quite so.

Lord *Farrer.*

3507. And the Council might complain that the value was put too high?—Yes; of course you have to choose between giving it to a third person altogether and having the matter fought out between the two parties as to what the value is. My idea is that a third person who is an expert should be called in, because there would be all sorts of reasons actuating in the mind of the owner as to what value he should put his property down at. Some would like to put the value above, and others below.

Earl of *Onslow.*

3508. If it were desirable to fix the value at which an owner might call upon the County Council to buy him out before the improvement was made, would it not in such a case be desirable to have this preliminary valuation for that very purpose?—I do not know that having a valuation would be of very great advantage in that case. If we are to have to buy him out we should have to buy him out at the value the person at the moment decides.

3509. It would be an advantage to the Council to buy him out at the value before you began your improvement, would it not?—It would be so, certainly to us. I notice a point was raised on the assessment by the Council being final under circumstances of their being no dispute. That would be so, and it is put in because it is presumed that there should certainly be an appeal of some kind if there was any unfairness in the valuation. But our experience is, that we come to an agreement in these matters constantly, and if it has to go to an arbitrator there will be an increase in costs. That was the reason it was put in in that form.

Marquess of *Salisbury.*

3510. And, on the other hand, I suppose very often it is the fear of costs which makes owners accede to your terms, is it not?—I presume to a certain extent it is so, but not if there was any great

Marquess of *Salisbury* – continued.

great discrepancy between us. I mean a person might rise to a certain extent, because he would have to pay 20*l.* or 30*l.* in costs. I think, my Lords, that is all I have to say.

Earl of *Onslow.*

3511. There is one clause in the Bill which I think I do not quite understand, and that is as to the limitation of costs in case of objection. It is Clause 4 of Sub-section 10, of Section 37: "In the event of the arbitrator deciding in any case that the costs of the Council ought to be paid by the objector, he shall direct that such costs shall not exceed the amount which such objector would have been entitled to recover from the Council, in case the arbitrator had ordered the Council to pay the costs of the objector." I do not know whether I am right, but my interpretation of it is that the costs of the Council, which are to be paid by the objector, shall not be more than his own costs?—I am inclined to hink that that is the meaning.

3512. It is the Council's own clause, is it not?

Earl of *Onslow*—continued.

—It is our own clause, but I have not given attention to it in detail.

3513. I imagine it is to prevent the objector from being saddled with huge costs, which might be incurred by a wealthy body like the County Council, and to limit them to the costs which he was incurring himself?—I think it is to limit him to paying the costs which would have been taxed as against the Council. I think that is the idea to limit the costs. I am just told (it is no wonder I did not understand it) that it is one of the additions which the House of Commons has made.

3514. You do not know what the intention of it was then, do you?—No, I cannot personally construe it.

Chairman.

3515. Is that all you wish to state to the Committee?—Yes, my Lord. May I say that Mr. Harrison would have been here to-day, but he is away. I received a telegram from him this morning saying he was unable to be here.

The Witness is directed to withdraw.

MR. HARCOURT EVERARD CLARE, having been called in, is Examined, as follows:

Chairman.

3516. You, I think, are on the Council and the Law Committee of the Municipal Association, are you not?—I am; but I am not appearing here to-day on their behalf. I am the Deputy Town Clerk of Liverpool, and we have gone into this matter very thoroughly, both in Liverpool and also in the Association; but as the Association has not come to any definite conclusion on the subject, in fact the matter being postponed for the present, I do not appear here as representing them.

Lord *Farrer.*

3517. You prepared a report for them, I think?—I was appointed on the Special Committee to deal with the subject, and I prepared a report, and the Mayor of Crewe prepared another report. Those two reports are still under consideration, and no decision has been come to.

3518. One reported rather in favour of betterment, and the other against it, is not that so?—The Mayor of Crewe drew a report in favour of betterment as described in the London County Council and Manchester Corporation Bills. I drew a report to the effect that the experience of Liverpool proves that betterment would be of no use to us, that it would be unfair in its application, and that it was not really worth spending time in attempting to get betterment adopted by Parliament, but that we wanted other remedies which would give us more immediate relief, particularly with regard to the terms on which we should acquire property for the carrying out of public improvements, and also in regard to the method in which property is assessed.

Marquess of *Salisbury.*

3519. Do you mean to the rates?—Yes.

3520. That is hardly within our province, is it?—I think so.

Chairman.

3521. Except so far as it may reflect light on the particular alteration which you wish to have, if you wish to have one, in the powers to be given to municipal authorities to take property compulsorily for public improvements?—Yes. I have understood betterment to be this: where by an expenditure of public funds on a street improvement certain properties are specially benefited that they are to be specially taxed for the benefit of the public. It seems to me that there is no logical reason for limiting that principle to public expenditure in street improvements. If it is right to specially tax property for special benefits from one particular class of expenditure, it is equally right to apply the same principle to all other classes of expenditure. If I may explain my meaning. Supposing that six letters of the alphabet represent the properties within any given rating area, and that there are six different classes of public expenditure: if property described by A. specially benefits by expenditure No. 1, and is specially taxed for the relief of the other five properties, it seems to me fairly to follow that the other properties which specially benefit by the other expenditure should also be taxed for the relief of A.

Marquess of *Salisbury.*

3522. What other expenditures?—I will give an illustraton to explain my meaning. The Liverpool Corporation own the water works which

Marquess of *Salisbury*—continued.

which supply Liverpool, Bootle, and a large area round Liverpool. A special water-rate of 6*d.* in the £. is now, and has been for many years, levied in the City of Liverpool, and in return for that special rate the corporation have laid special fire mains for protecting warehouses and business premises from fire, and have given other particular benefits to Liverpool over and above those that they give to the districts which do not pay the 6*d.* water-rate. About three or four years ago the development of business in Bootle necessitated the building of warehouses there to accommodate the traffic to the docks. A number of warehouses were built of large value, but the owners found that they could not utilise those warehouses because the insurance companies would not insure them except at a very high premium ; and they also required a much higher premium to be paid on the goods which were deposited in them. The result was that these large blocks of warehouses were practically incapable of being occupied for the purposes for which they were built. The Corporation of Bootle, seeing the great necessity of facilitating the trade of the borough, agreed that the 6*d.* water-rate which had up to to that time been imposed only in Liverpool should be imposed over Bootle as well (that is to say, over the whole assessable property in Bootle) for the purpose of enabling the business premises to get the benefit which would be derived from the special fire mains and other facilities which the corporation would give in the shape of water.

Chairman.

3523. Have the warehouses now been occupied since that?—Yes, and I should imagine (although I cannot say it from actually knowing the figures) that the increased assessment of those properties in conjunction with the increased assessment of other properties owing to the improvement in the trade and more houses being occupied and more shops being required to supply the houses occupied, has more than repaid the Corporation of Bootle in making the arrangement they did. I only mention that to show how unfair it is to pick out particular properties and tax them for expenditure on street improvements when you would not tax such as I have referred to for an expenditure on waterworks.

Marquess of *Salisbury.*

3524. Your contention being that although the waterworks were paid for by the warehouses, they were not paid for by the property which was improved by the improvement of the warehouses?—No; I maintain that the benefit accruing to the owners of those warehouses is much larger in proportion to their assessment than the benefit accruing to any other property in Bootle ; but yet, according to the principle of betterment, no special taxation would be imposed on the owners of that property in respect of that benefit; but if the Corporation of Bootle had proposed to impose a 6*d.* rate for street improvements, then the principle of betterment steps in, and says the properties that receive the special benefit from the street improvement must be specially taxed.

Marquess of *Salisbury*—continued.

Chairman.

3525. I do not quite follow what you mean to infer from that. Is you proposition against betterment, or that betterment should be granted but should apply not only to street improvements but also to all other public expenditure?—I am strongly of opinion that betterment, as I have described it, namely, limited to street improvements, is wrong in principle, and unfair. If you admit the principle in theory as applying to all kinds of expenditure, it is impossible of practical application, and, therefore, ought not to be adopted. The nearest approach to applying it is by roughly averaging up the special benefits in the shape of rates; that is to say, you must assume that the special benefit that one property gets on one class of expenditure is counterbalanced by the special benefit another property gets from another class of expenditure ; and if you only have a system by which land is assessable at its proper value from year to year and make the basis of assessment perfectly fair as between different classes of property, then in my opinion you carry out all the adjustment of taxation that is necessary by making everybody contribute in the shape of rates.

Lord *Farrer.*

3526. I do not quite understand the Bootle business. Surely, when you put an additional rate upon Bootle for a special benefit given to Bootle, that was something in the nature of betterment, was it not?—No. What I contend is this : that in Bootle they agreed to have imposed over the whole property of the town a rate of 6*d.* in the £, particularly with the view of benefiting a few special properties in Bootle.

3527. The rest of the ratepayers of Bootle agreed to benefit the warehouses?—Yes ; and if the principle of betterment was applied consistently, those warehouses which were specially benefited would be called upon to contribute a large portion of that 6*d.* rate.

3528. It is always a question of degree, is it not, how far taxation shall extend. Before Bootle got this particular benefit of the water, you did not extend the 6*d.* rate to Bootle, did you?—No.

3529. When Bootle got the benefit of the water you extended it to Bootle, did you not?—I must put it in the reverse way. When the 6*d.* rate was extended the Corporation of Liverpool gave them the benefit.

Lord *Belper.*

3530. There was nothing in that case to prevent them charging those particular properties if Bootle and Liverpool liked to agree, was there?—Yes, there was, unless we had special legislation for the purpose.

3531. But surely the water that is used by a house is paid for on a certain scale, is it not?—Yes; but in Liverpool we have two classes of water

Lord *Belper*—continued.

water charges; there is the water-rate levied over all classes of property, to begin with, then there is a water-rent levied on property which takes a domestic supply.

Chairman.

3532. As I understand, your proposition is that the whole neighbourhood benefited by reason of what I will call security from fire?—Yes. I maintain it is absolutely impossible, if you work it out practically, to apply the principle.

3533. I am taking your proposition, which is this: warehouses incapable of being occupied, incapable, therefore, of gathering round them industries from which rates would accrue by reason of their being always exposed to fire; no opportunity of putting the fires out; insurance companies declining to insure, and so on; then comes a water scheme which enables them to be insured, and you say that that benefited not only the warehouses but all that adjacent property which would not have been benefited except for that?—Yes, that is so; but it is impossible to separate, to my mind, the actual increase which is derived from, we will say, the street widening or the waterworks, whatever it may be, from the increase which arises from other causes. I may give an illustration from Liverpool as to the effect of carrying out street improvements. During the last 10 or 12 years we have spent a good deal of money in widening streets on one side, not with the view of benefiting the property simply in that neighbourhood, but with the view of giving greater facilities of traffic to different parts of the city. In two important cases where one side of each street was pulled down, the assessments materially increased after the Act of Parliament authorising the works was obtained, and during the period when the Corporation were negotiating for the purchase of property. Consequently, if a valuation had been made when the Bill was first deposited for the Act, we should find, and we found by experience, that between the time the Bill was deposited and the actual time when the street improvement was carried out, a considerable increase in the assessment of property, not in land values, was taking place during that period. Then, owing to the depression of trade which followed within two or three years after the street widening was carried into effect, the assessments went down, and to-day they are lower than they were before the improvements were carried out.

Lord *Zouche.*

3534. Do you think it would be possible for a valuer to assess exactly the amount of benefit to a particular property from a particular improvement?—For my own part I think it is absolutely impossible, for the reason I say.

3535. Is it ever done; is a valuer ever called upon to make such a calculation?—I have never heard of a valuer being asked to do such a thing. What a valuer is asked to do is to say what a property is worth, or what he thinks it will make in the market.

3536. But is he ever called upon to assess

Lord *Zouche*—continued.

separately the different causes which lead to an increase in value?—I have never heard of it being done; I have had about 15 years' experience in buying property for street improvements, and have never heard of such a thing.

Lord *Farrer.*

3537. But he would take all things into consideration, including an improvement of that sort, would he not?—Yes.

3538. But the point is, that he is to assess and separately value every cause which leads to that improvement, of which the public work is one?—The practical difficulty that I see is this: a valuer cannot separate the increase which has arisen from the widening of the street, from the increase which has arisen from the development of trade, and the general demand for land in the neighbourhood. My experience leads me to this conclusion. If you happen to be carrying out a street improvement at a time when things are going on well in the town, the probability is that when the street widening has been effected, the land facing that street may very soon be bought up and built upon; but that if you happen to carry out a street improvement at a time when trade is not booming and things are bad, you do an immense amount of harm to the town by driving trades away; you dislocate trade, the shopkeepers, and business people have to find fresh accommodation; they go away, and until there is a further demand for land by trade increasing, there is no one to come in to take their place in the widened street.

Lord *Farrer.*

3539. I should like to ask with regard to the two reports you mentioned, are they reports which could be obtained or laid before this Committee. Those reports, I should suppose, stated the case as fully as it could be stated, did they not?—I should not feel at liberty to place the reports before you, but if the Committee would give instructions for a letter to be written to the secretary of the association, he, no doubt, will reply to it.

3540. They argued it fully, did they, on the two sides?—Yes.

Chairman.

3541. I think it might be very advantageous to us if we had them. Do you think there would be any practical difficulty in getting them?—I do not see, my Lord, why the two reports should not be placed before the Committee on the clear understanding that the association have come to no decision with regard to the merits of one or the other.

3542. Would it be fair to ask you in your view, what is the opinion of the majority of the association?—I think it is hardly a fair question under the circumstances, to ask me, my Lord.

3543. Do you wish to add anything further to your evidence?—I only wish to state that so far as our experience in Liverpool is concerned, betterment would be of no value to us, because, as a matter

Chairman—continued.

matter of fact, betterment is not followed on the street widenings until many years have elapsed, and that the proposal to fix a period of seven years, as I understand it, from the date the Bill has passed, within which you are to assess the betterment, is giving us a great deal of trouble, and possibly entailing upon us a good deal of expense for a thing not worth having; because it is perfectly obvious that as we generally take, perhaps, three, four, or five years to negotiate for the purchase of property and acquire it, during the one or two years that may remain, after the street is widened, no builder would be so foolish as to commence his buildings or develop the property, because it would at once be said that there was an increased value, and that he would have to be taxed upon it. The effect therefore would be that these betterment clauses, if they were applied in Liverpool, would in most cases simply tie up building operations until the period expires when the award is to be made, and then the award will have to be made practically in the shape of a speculation between the owner and the public; either the owner would be taxed too lightly, which would be so in the majority of cases, I should think, or the public would get more than they were entitled to.

Lord *Belper*.

3544. I think you rather hinted that you wanted some improved system under which you could purchase, did you not?—Yes.

3545. Do you mean by that, what we have had before us, some system of recoupment under which you would have greater powers than there are at present given by Parliament?—My proposal is this, or the basis of it is, that we should be able to buy our land upon fairer terms, so saving in the original cost, and not pay the high prices we now have to do, and attempt to get some of it back in the shape of what is called betterment.

3546. Would not that be recoupment?—No. I am speaking of acquiring property from the owners which we want for street improvements, and not acquiring property with a view to selling it again. Recoupment in developed towns is practically out of the question; you have to pay so much for trade compensations that it is useless to attempt it. The proposal I make in lieu of betterment is this: I do not propose that an owner should be prevented from claiming all the compensation he is now entitled to claim under the Lands Clauses Act, but that the Act should be amended so as to enable the local authority, where an owner whose land has been acquired claims compensation for the prospective increase in value of the land, to contend, by way of set-off to the owner's claim, that there will be a prospective increase in value accruing to property belonging and remaining in the possession of the owner, and that the effect of the works for which the land is being acquired should be taken into consideration. Then a further amendment I would ask for, is that the Corporation in all cases should be allowed to buy only the land they actually require for the street, notwithstanding that it may cut through property or may sever it, provided they pay the compensation the owner is entitled to claim under the Act as I propose to amend it.

Lord *Belper*—continued.

3547. Then the effect of that would be, would it not, that you would not be compelled to take the rest of a house if you only wanted half a one?—Quite so.

3548. And that any prospective value that house might have, you would be able to set off against any works you were carrying out?—What I propose is this: if an owner, in making his claim against the Corporation, makes a claim which is obviously beyond the market price based on the annual return received from the property, and he makes that claim upon the ground that property in the neighbourhood is going up in value, and that his property is really worth a good deal more than any purchase-money based on the present rental, I wish to be able to say: "If that is your contention with regard to the piece of land we are going to take, it must also apply with greater force to the piece of land which is going to remain in your possession after the improvement is carried out." (*See* Answer 3550.)

3549. That is what I meant to put. You would be allowed to cut a man's house in halves then, would you not?—Only provided we paid the compensation; and the effect would be this: if we take such a portion of a man's property as would enable the remainder to be developed after reasonable expenditure, we should be able to do that, but if we find that the compensation we should have to pay for severance would be too heavy, we should buy the whole of the property instead of taking a portion. (*See* next Answer.)

3550. There would be no justice in that, would there, unless the improvement to his property arose from what you were doing. Supposing the property is rising in value altogether, and he makes a claim in consequence of that rise, there would be no justice in making a claim upon him for the future improvement of the rest of his property, unless that improvement arises from what you are doing, would there?—There are many cases of this character where you have several blocks of property belonging to one owner, or one large block belonging to one owner, and you really only want a small portion of it for widening a street. What I contend is, if the owner in making a claim is now entitled under the Lands Clauses Act to bring forward every possible hypothetical point he can think of for increasing the value of his property which he is going to sell to you, that we should be able in return to state that the works we are going to carry out under a particular improvement will materially benefit the property that remains.

Chairman.

3551. Do you put it in this form: a use of property applicable to the particular case we will call x, and besides that general improvement to which all the property in the neighbourhood will be subject, there is the special improvement which we will call y. In assessing his compensation, if I understand you rightly, you propose to be able to deduct what you pay from x the amount of y; is not that so?—I do not propose it should be definitely deducted; all I propose is

Chairman—continued.

that the arbitrator or jury should be entitled to take these matters into consideration.

3552. That is a vague phrase, if you will allow me to say so. Do you mean that they should practically apply the calculation so as to make those two elements either equalised, or it might be the other way, you might improve him out of his property and make y more than x, might you not?—Your Lordship knows well enough that in an arbitration under the Lands Clauses Act now, when you are buying property for a street improvement you cannot, so to speak, mention before the arbitrator the fact that the property which is going to remain in the possession of the owner may be very materially developed or improved by the works which you are about to carry out; and that is the point I want to bring in.

3553. Because you are limited to the value as it then stands?—Because you are limited to the value as it then stands; and what I want is to enable the Corporation, as a set-off against what I call the somewhat exorbitant claim of the owner, to plead the fact that it is possible that the property which remains in his possession may be materially increased in value by the works which the Corporation are going to carry out.

Lord *Zouche.*

3554. But that is precisely what you said there was such a difficulty in doing in any case, did you not. You said just now in answer to a qustion to me that it is difficult to say in any case what the improvement due to a particular work is?—I quite admit it. What I mean is this: that we ought to be able to allow the arbitrator to take these matters into consideration if he likes.

Lord *Belper.*

3555. Would not the result be sometimes that if you took a small piece of a man's property you would practically get it for nothing?—Not necessarily. In many cases it would pay an owner to give us the land for nothing, provided

Lord *Belper*—continued.

we paid him for putting a new front to his premises. What we should find would be this: that in the majority of cases we should be able to negotiate on more favourable terms with the owners of property.

Chairman.

3556. I cannot help thinking that you, as well as a good many others of the witnesses, talking about the exhorbitant claims of the owner mean that exhorbitant sums are assessed by arbitrators and juries, contrary to the truth and the facts of the case; is not that what you really mean?—Yes, one involves the other, of course.

Lord *Farrer.*

3557. I gather from your recommendation that you are of opinion that the Corporation have a right to some claim for benefit which they do to the owner by their works?—At present they have no right.

3558. And you would take it in the form of a set-off rather than in the form of a distinct claim for betterment?—Yes, I would take it in the form of paying less for the land we take instead of hypothetically assessing the charge afterwards. There is one other point I should like to call your Lordship's attention to, and that is, the compensations we have to pay do appear to most of us who represent corporations to be unfairly increased by reason of the customary 10 per cent. which is added for compulsory purchase and we think that ought to be reduced to a reasonable sum to cover the cost of re-investing the money which is paid to the owner.

Chairman.

3559. That is a very intelligible view. There is one other question I should like to ask as to the municipal association: I suppose to this extent you would be permitted to go in your sense of duty, to that association, that you may say that opinions are not all one way?—Certainly not.

The Witness is directed to withdraw.

Mr. JOHN BARRAN, a Member of the House of Commons, having been called in, is Examined, as follows:

Chairman.

3560. The Committee understand that you have had some experience in Leeds on the subject of taking property for public improvements?—I have.

3561. Would you kindly give the Committee the result of your experience?—The principle on which we acted in street improvements in Leeds was, that when we applied for our Act of Parliament we invariably took a pretty wide line of deviation for the purpose, as far as possible, of securing property on the line of improvement by which we might be able to recoup ourselves. In every instance where we extended our operations beyond the line needed for the street improvement, I think I may say, in every

Chairman—continued.

instance, we found that by purchasing the property we were enabled to make the improvement at a very much less cost than we should have done if we had taken only so much of the buildings as were necessary for the purpose of widening the streets. There were several instances where nearly the whole of the cost was recovered by the resale of the property, but, in addition to the economy of working in that way, we were enabled, by the improvement which was made, to recover a great deal of the interest on the capital laid out by the largely increased rateable value of the property abutting on the street, and contiguous to the street.

3562. Which you had not taken?—Which we had

Chairman—continued.

had not taken, but the increased value of the property abutting on the street, and contiguous to it, although we did not get any benefit from the increased value *qua* value, we did get a large increase of rateable value, which went towards reducing the interest on the cost of improvement.

Marquess of *Salisbury.*

3563. Then, in your hands, the principle of recoupment has been profitable, has it?—Yes, decidedly.

3564. Have you tried at all the principle of betterment?—We did not understand it. It was a question I could never get to understand; I have never been able to understand it yet; and the Corporation of Leeds being a careful body, I think hesitate to adopt the system of betterment.

3565. Have you no knowledge of it?—I have no knowledge of the betterment system.

Lord *Tweedmouth.*

3566. You have an example in your own person, have you not, where you bought property abutting on one of these improvements?—Yes, I gave 25,700*l.* for 900 yards of land, and I think the Corporation got within a very small sum the whole cost of that part of the improvement. The result of that purchase of mine was when the improvement was made, a rateable value of 3,000*l.* a year, which took the place of, I should think, property rated at very little more than 1,000*l.* a year.

Marquess of *Salisbury.*

3567. Did you do this on behalf of the Corporation?—No, on my own account.

Lord *Tweedmouth.*

3568. Was it satisfactory to yourself?—I purchased by public auction, and I may say the Corporation in almost every instance, or every instance, in that street, offered the property by public auction. None was sold privately, it was all put up to public competition.

Marquess of *Salisbury.*

3569. Then you bought property which they had expropriated at public auction?—Yes.

3570. Did you buy it at such a price that you were able to make 130 per cent. profit?—No, I had to put the buildings on. It was bare land; then I built on it, and the whole thing resulted in a rateable value of 3,000*l.* a year, which pays me about 7 per cent.

3571. On the whole of your expenditure?—Yes.

3572. That is not very much in excess of what people usually expect to get from building operations, is it?—I think it is, rather; people would be very glad indeed to get 5 per cent. on good property of that kind, but of course, where cottage property is concerned, 6 or 7 per cent. is the ordinary return for investments.

Lord *Lingen.*

3573. The Corporation, as I understand you to say, gain under two heads; one they are able to sell the property again at pretty much the same value as they gave for it, and they also get the increased rateable value towards the income of the town?—That is so. Of course one of the great drawbacks to taking property is that you not only have to take the property, but you have very frequently to take the business, and pay a very large sum for it. If I may suggest, I think some alteration ought to be made in connection with the mode in which tenants frequently deal with corporations with regard to compensation for disturbance. I think, under the Land Clauses Act at the present time, you are not only bound to take a man's stock, whatever it may be, but you are bound to take it not at the cost price, but at the price he is going to sell it for; and that I think is a very great hardship on corporations. If two things could be done, one, that the authorities should be able to purchase property at so many years' purchase on the rental, and pay a reasonable compensation for the profits of the trade, based on the return made for income tax, where income tax is paid, I think it would be an equitable and fair thing to do; and in all probability, the persons disturbed would get all that they were entitled to, and the general public would not be fleeced so much as they are when these large public improvements are made.

Chairman.

3574. I am afraid you are attributing to the Legislature what they did not do, but what an army of valuers and lawyers have done, because I think you will have some difficulty in finding those propositions in the Lands Clauses Act quite so?—I was going to contradict your Lordship; but I will not venture to do so.

Marquess of *Salisbury.*

3575. But if you compensated the tenant on the income tax value of his trade, and did not compensate him, as I understand is the present practice, for the stock that is found upon the premises, of course the result would be that you would find the premises exceedingly bare when you came to take the business over, would you not?—I should take the stock at a valuation, but a proper valuation.

Chairman.

3576. What you object to is, is it not, the extravagant sums that are given?—Yes.

Marquess of *Salisbury.*

3577. Was that done by an arbitrator or by a jury?—By an arbitrator; I have tried to work out the system of betterment in my own mind, and I do not see how it is possible to do it, unless you are going to compensate people who are sufferers by having their property depreciated. We had a case in Leeds where it was suggested that a street should be widened. The engineer employed by the Corporation recommended

Marquess of *Salisbury*—continued.

mended a new street. The old street went along in one line, and he suggested a straight street to join at right angles the main road at the other end. The Corporation carried out this straight street and left the old way as it was, and the consequence has been that the property in the old street I should think at the present day, and it is some 14 or 15 years since the alteration was made, is not worth one-third of what it was before the alteration; and the property in the new street is not worth one-third of what it was supposed it would be worth when the new street was projected. The cause of that is that the traffic has been divided between the two ways, neither of which are good enough to support the trade in the two streets.

Lord *Tweedmouth.*

3578. Will you name the two streets?—Hunslet-lane is the name of the old street, and the other street runs parallel to it, but I cannot give you the name of it. It would be very hard, indeed, if you have an owner in two streets, one to the right and one to the left, and you improve the property to the left, but at the same time depreciate the property to the right, that you should charge him for betterment in the street to the left, and give him no compensation for the deterioration of the property in the street to the right. The same man might be the owner in the two streets; he is made to pay a penalty in one street and bear the loss in the other.

Marquess of *Salisbury.*

3579. Are you clearly of opinion that that would be unjust?—I think so.

Chairman.

3580. I need hardly ask you, but you have been, I think, for many years acquainted with the municipal condition of affairs in Leeds, have you not?—Yes.

3581. How long?—For 20 years before I came to Parliament. I have not been connected with it since I came into Parliament some 18 years ago.

3582. But you have been Member for Leeds since, have you not?—Yes.

3583. And I suppose you are familiar with Leeds?—Yes, I have a good deal of property in Leeds.

Marquess of *Salisbury.*

3584. Do you support the view which has been taken by many witnesses, that it is the habit of the arbitrators to give excessive sums for compensation?—The plan we adopted in all the larger cases was this: we sometimes had a Board of Trade arbitrator; at other times we had a local arbitrator, and I cannot find any single instance in my own experience where the arbitrators ever dealt either unjustly with the owners or with the Corporation. I do not know of a single instance.

Marquess of *Salisbury*—continued.

3585. You are quite satisfied, are you, with their conduct generally?—Yes.

3586. And I gather you have observed no difference in that respect between those who are appointed by the Government and those who are not?—I have not noticed any difference. We always took care to have the most respectable man we could get, and I must say he never, as far as I can judge, and I think I am quite right in saying that, was influenced by any member of the Corporation with regard to the value which should be given for the property which we were anxious to secure.

Lord *Farrer.*

3587. I suppose the Board of Trade appoint a local man, do they not?—Sir Henry Hunt ha done a great deal of arbitration work for the Leeds Corporation in his day, and I think I may say I do not know of a single instance where all were not quite satisfied with the decisions to which Sir Henry Hunt came.

Chairman.

3588. Is there any other point you would like to give us information upon?—No, I have not thought the thing over.

Lord *Farrer.*

3589. When the Corporation buy a shop do they alway compensate the shopowner for his business, or can they allow him to continue in possession, and take a rent from him?—In some instances the tenancies were allowed to expire. Due notice was given to the tenants and the tenancy was allowed to expire. I think that fair time should be given to the Corporation, whether it be the London County Council, or any other Corporation, for them to acquire the property, but too long a time ought not to be given, because it might inconvenience and greatly injure the tenants of an estate if part of a property was taken and demolished and the other part allowed to remain to the annoyance of those who were still in occupation. We had at Leeds, I believe, so many years given wherein to make our improvements, and I think that it is a wise thing to limit to a large extent the time which should be occupied by the authorities in making improvements.

3590. But pending that time, there is no objecting to allowing the shopowner to continue his business and allowing his interest to run out, is there?—Not the least; I think it is a wise thing to do.

3591. In that case you avoid the loss of having to purchase his business, do you not?—Yes.

Lord *Tweedmouth.*

3592. Would you compel a public body to sell after a given time, or would you allow them to hold the property in perpetuity?—I should compel a public body to sell their property by auction, and I would not give them too long a time to hold it. I think it is very undesirable for public bodies to be the

owners

Lord *Tweedmouth*—continued.

owners of property longer than is necessary for the purpose of carrying out the object that they have in view.

3593. How long would you consider would be a fair period?—I should think 10 years is quite long enough.

Lord *Farrer.*

3594. You do not wish to see them perpetual owners, do you?—I think it is very undesirable that they should be; I think it is a right thing to give the general public an opportunity of becoming owners of property when the object of the authority has been accomplished with regard to street improvements; I think it then should be thrown open to the public, and let the public take the risk of either benefit or loss in connection with those improvements.

Lord *Belper.*

3595. But if you compel them to sell within 10 years, and also compel them to sell by auction, it might happen that that would considerably limit the chance of the public authority making any profit on the transaction, would it not?—Supposing they did not make a profit on the transaction, if the property went up in value by being built on, and became of much greater rateable value, then the authority would get the benefit of the increase of the rateable value towards recouping themselves in the way of paying interest.

3596. Undoubtedly, but, on the other hand, supposing a series of bad years succeeded on the completion of the improvement, and that the neighbourhood had not recovered its value within the 10 years, if you compelled them to sell absolutely in 10 years, and also to sell by auction, there would be an inevitable loss, would there not?—Yes; supposing they sold, and things became better afterwards, they would have lost the increased value which they would have got if they had held; but if, on the other hand, they sell within 10 years, and after that 10 years the property goes down a good deal, which is not an unlikely thing to occur, then they have got their money back, and the persons who have bought sustain the loss instead of the authority.

3597. Clearly so; but the more you limit their powers by restrictions the more you limit the chance of their acting in whatever way they think best in their own interests, do you not?—I think the danger of having too long a time to sell property is really very considerable.

3598. Would you give them as long a time as the London County Council have now, 50 or 60 years?—Do you mean to sell?

3599. Yes?—I think it is a very unwise arrangement.

Marquess of *Salisbury.*

3600. Your principal reason, I understand, to be that you do not think the land ought to be locked up, is that so?—I think not. I do not think municipal authorities ought to be the holders of land to any large extent. I think the general public are as well qualified as a corporation to judge of the value of a property, and there are persons always ready and willing to buy

Marquess of *Salisbury*—continued.

good properties for the purpose of making a reasonable investment; and when the property is sold by auction the Corporation get what is considered the best value by the best judges, and I think they have then done with it. I think it is a very undesirable thing to make a corporation a large holder of property.

Lord *Lingen.*

3601. If the improvement justifies itself, the legitimate profit for the Corporation to look to is the increased rate, is it not?—Yes, that is my view of the case, and the higher the rate, of course the less burden on the ratepayers generally.

Lord *Farrer.*

3602. Is that a view, may I ask, that prevails in the municipal Corporation of Leeds at the present time?—I think so. I have never heard of any other opinion expressed; there may be certain members of the Corporation who believe in the betterment principle.

3603. But I am speaking of another thing, the municipalisation of land, which we hear of occasionally?—I do not think they believe in that at all. I think they are not sufficiently advanced backwards, if I may say so. The Corporation have always sold their land by auction, and I think it is a very wise thing to do.

Earl of *Onslow.*

3604. Of course they put a reserve price on, do they not?—Yes. There was a sale by auction within the last few months of some remains of property, and a certain number of lots were unsold; and I saw a paragraph in the paper the other day, stating that since the sale; a good few of the remaining lots have been sold, and that the Corporation have met those who have purchased them by some concession in price. However, they have sold them, and I think I might say that the Corporation of Leeds have always been anxious, as far as possible, to hold as little land as possible required in connection with street improvements.

3605. But if their reserve price is not reached and the 10 years' limit is reached, then they would be obliged to sell at whatever price they could get, would they not?—Which would be a proof that they had overvalued the land, and, taking that proof, they would act on it, and sell the land at less than they had fixed as a reserve price, believing that the public know as well as they do what the value of that land is.

Marquess of *Salisbury.*

3606. But the 10 years might not expire at a moment of profound depression, might they?—Of course those sort of things do occur, but it does not do to provide against extreme cases. I think you have to take the general experience of life, taking the ups and downs, and apply the law of compensation as far as ever you can in dealing with matters of that kind.

The Witness is directed to withdraw.

SIR JOSEPH WARNER, having been called in, is Examined, as follows:

Chairman.

3607. WHAT the Committee were anxious to know was, whether you could give them some information on the subject of the powers generally given with regard to public bodies obtaining land, and with reference to the power of holding it or utilising it at once and selling off the surplus quantity?—Of course there is a very great variety of circumstances, and in dealing with this question, Parliament has always considered the particular circumstances of each case, and dealt with it accordingly. There are many instances where the local authority is bound to sell the surplus land or the reversions of their building leases within a certain period, and then come to Parliament or the Local Government Board later on and point out that that is a bad time to sell, and then the time, as a matter of course, would be extended.

3608. What periods have Parliament from time to time placed as those within which they must dispose of their surplus land; is there any average, or has it varied very much?—It is usually left to the Lands Clauses Act limit, which is 10 years after the time fixed for completion.

3609. Then it is only in particular cases that they have exceeded that, is it?—Quite so.

3610. Can you give us any notion of the principle upon which the Legislature has acted in enlarging the time?—I think it would depend entirely on what chance the Corporation would have of selling at a profit before the expiration of the time limited. The case of the London County Council, which, I think, extends up to 1945, is quite exceptional. In that case the period for the sale is made to correspond with the time at which the debt is to be paid off; but that is the only instance I know of of that kind.

3611. With reference to the power of allowing the businesses to be carried on which existed, or has Parliament enforced either expressly or impliedly, the destruction of the buildings and the erection of others?—The only way in which that is at all enforced is by limiting the time within which the works must be completed; that is usually five years, and sometimes extended to ten.

Lord *Farrer.*

3612. It is frequently prolonged, is it not?—It is frequently prolonged beyond five years; seven years is very common in the case of street improvements.

Earl of *Onslow.*

3613. Does the prolongation of between 50 and 60 years as to the London County Council, apply to works which were undertaken by the Metropolitan Board of Works, which they have succeeded?—I think it was settled in the time of the Metropolitan Board of Works.

3614. In the Metropolis Improvements Act of 1877 it was limited to 10 years, was it not?—It would be subsequent to that. It was after the establishment of the Metropolitan Stock.

Marquess of *Salisbury.*

3615. Did not Birmingham get a much longer period of delay than usual?—I am not aware of it.

3616. Birmingham was allowed to borrow on repayment within 90 years, was it not?—I think so, for waterworks and gas.

Lord *Farrer.*

3617. But there was a very large street improvement in Birmingham in which they purchased a very large area, was there not?—Yes.

Chairman.

3618. What was the earliest period, according to your experience, that any municipal body was allowed to purchase more than the exact area intended for the works contemplated by the Bill, in order that they might pay themselves by the use of the surplus property?—I should think, in express terms, it would be something before 1880, in the case of the Metropolitan Board of Works Bills, where power is expressly given to take more land than is required for the work.

3619. Then that principle is comparatively novel, is it?—It is comparatively novel, in express terms.

Earl of *Onslow.*

3620. Was it settled by a Joint Committee of the two Houses?—I think not; in an ordinary Bill.

3621. Was that Bill referred to a conference or Committee of both Houses in consequence of a difference between the two Houses?—No; I think not.

Lord *Belper.*

3622. But we understood from one witness that a different view was taken. That the House of Commons granted this new power, and that the House of Lords first objected, and that subsequently an arrangement was come to by which it was granted; do you remember that?—Yes; but I do not think it went to a Joint Committee.

3623. At all events there was some difference of opinion in the first instance between the two Houses, was there not?—Yes; it was a sort of compromise between the two Houses.

Chairman.

3624. Do you mean by that a compromise on the particular Bill?—Yes.

3625. Not any general agreement as to what principle should be enforced?—Quite so. The House of Lords gave way in the particular case rather than cause the withdrawal of an important metropolitan improvement.

Earl of *Onslow.*

3626. Were the terms of that particular Bill subsequently embodied in other Bills?—I think the same form was followed.

3627. Has

Lord *Farrer.*

3627. Has that been regarded as a precedent, so that if anyone came with a reasonable case they would be allowed to do it now?—Yes; Leeds has the same power in the same words almost, and there are several other cases.

Marquess of *Salisbury.*

3628. There is not generally an obligation, is there, to destroy the buildings within the time of resale?—Not at all.

Chairman.

3629. Has Parliament ever expressly authorised the public body to take possession of the property and use it as it is being used to carry on a trade, for instance, or anything of the kind?—Not in my experience.

Marquess of *Salisbury.*

3630. Would the authority of Parliament be requisite for that, or would it not be involved in the purchase of the land?—I should doubt whether as against the owners of the land any express power would be neccessary. No doubt the municipality would be going rather far in carrying on a business, which is what it would amount to.

3631. Would it, within your knowledge, be transgressing any enactment, or principle of law?—No, I think not.

Chairman.

3632. I do not want to suggest anything to a learned lawyer like yourself, but either a municipal authority, or any other authority holding land or carrying on public business is limited to the object for which they are instituted, is it not?—I thought Lord Salisbury asked if it would be contrary to any statute.

3633. An ordinary corporation could be restrained from expending its funds upon any other object than that for which the incorporation took place, could it not?—It would be so, no doubt.

Lord *Farrer.*

3624. Could not they allow the business of a tobacco merchant, say, to go on in premises which they had purchased, and receive rent from it?—Yes.

Chairman.

3635. That would be involved in holding the land for a limited period, would it not?—Yes.

Earl of *Onslow.*

3636. Do I understand, then, they might purchase the freehold, and allow the leaseholder, and perhaps the sub-leaseholder to continue in occupation?—There is nothing to prevent that, that I am aware of, subject to their completing the work within the time limited, five years, or whatever it might be.

Lord *Belper.*

3637. Do you think that the different Bills of different authorities from time to time have differed with regard to that power, because we have heard from some witnesses that they are distinctly of opinion that they have not got the power under their Bill of purchasing property unless they purchase all the interest?—There is no doubt that there is a distinct difference in the form in which the power is given; sometimes it is to acquire the land necessary for the particular purposes of the Act. Then in other cases these words occur: "Lands which they may require for the purposes of the Act, and in connection with the street improvements, and for providing space for the erection of houses and buildings adjoining or next to the improvement." Going entirely beyond the immediate purposes of the Act, which is the making of the street improvement.

3638. What I meant rather, was not with regard to the area, but with regard to purchasing the whole of the interests on one property. Do you think that they are always given that power?—I think it is involved in the Lands Clauses Act. They can take the various interests in the property separately.

Earl of *Onslow.*

3639. Of course if they take any part of a man's property, they must take the whole; but if they take the whole of the property must they take the whole of the interests in that property, and compensate them?—They could not be compelled, I think, to do that.

3640. They might let the interests run out, might they not?—They might let them run out.

Marquess of *Salisbury.*

3641. If you are authorised to buy a freehold you may buy it subject to its engagements, I suppose?—I think so, undoubtedly.

Earl of *Onslow.*

3642. Then there is nothing, is there, in the present law to prevent the London County Council from acquiring the freehold of any property which they may be empowered to acquire, and if the leasehold runs out in 50 years, allowing the tenants to remain?—No; there is nothing to prevent it. Of course, when they first serve the notices to take the land, any tenant served with notice would be entitled to compel them to purchase his interests within the time limited for the exercise of the compulsory powers.

Lord *Lingen.*

3643. Then they may make this bargain, may they: they may buy the reversion, come in the reversioner's place, and in the meantime receive the rents from the occupying tenants?—Yes.

3644. They can, can they?—Yes.

Earl of *Onslow.*

3645. Could the occupying tenants compel them to purchase their interests?—Yes, as soon as they have served the notices upon them; and those notices must be served within the period fixed by the special Act, usually three years.

Lord *Belper.*

3646. Then in all cases where the tenant wishes it they are compelled to buy all the interests, are they?—No doubt they are compelled to buy every interest the owner of which is served with notice and wishes it bought.

Marquess of *Salisbury.*

3647. Does a yearly tenancy confer the same powers?—I believe so; the amount of compensation is settled in a different way.

3648. But the same right will arise?—Yes, a similar notice will be served, and on that notice the same right arises.

Chairman.

3649. I think a little confusion has arisen on the subject, because where you are dealing under the Lands Clauses Act it contemplates purchase, and there they are compellable to take what is included within their limits of deviation. But the fact here arises, that although notices may have been served in those terms, what the County Council wish to do is, at their option, not to take any part of the land, but to fix upon the land included in what are called the limits of deviation, which is an inaccurate term, a charge in respect of the supposed betterment?—Quite so.

3650. The real truth is that the two schemes do not cohere by the statute; what the promoters are anxious to do is to have the power of fixing a rate or charge on property which they do not touch?—Exactly.

3651. The Lands Clauses Act solely refers to a compulsory purchase, does it not?—Yes, except, of course, so far as compulsion is superseded by agreement.

Lord *Belper.*

3652. Has the custom of Parliament laid down any limits to the property which may be taken for the purposes of recoupment; as I understood you, it was only supposed originally that they would take the property absolutely required for the improvements; but more recently that has been enlarged and property in the neighbourhood has been taken, although not absolutely required; has that been done under any special regulations or limits, or has it been purely arbitrary?—It has been purely arbitrary, except that the plans would be looked at to see to what extent it was proposed to take. The Lord Chairman, in a case of that sort, has the plan before him, and sees if the limits are unreasonable.

3653. Would it depend on the decision of the Committee?—Yes, or the Lord Chairman in the first instance.

3654. In the case of widening a street, has it been usual to allow a corporation to purchase houses on both sides, not only on the side they

Lord *Belper*—continued.

are going to take away, but also on the other side, where they are not going to touch them?—You will find that in many instances, no doubt.

3655. Where they have been allowed to purchase houses on the side which was not going to be touched?—I should think that in a case like Leeds, that would be so.

Marquess of *Salisbury.*

3656. Where power is given then to purchase a house not required for the purposes of improvement, what is the position of the inferior holders, the leaseholders, or the occupiers; can they require that their interest should be purchased when the principal's interest had not been purchased?—If notice has been served upon them.

3657. Not otherwise?—Not otherwise.

3658. They cannot originate a notice requiring that they should be bought?—No, the service of the notice constitutes the contract.

3659. Can the notice be served upon the freeholder, and not upon the inferior tenant?—There is nothing to prevent that. Of course the omission might prevent the use of the property for the purposes of the Act.

3660. But if that were done, no right would accrue to the leaseholder or the occupier to require the purchase of their interest, I understand?—None at all in my judgment.

Earl of *Onslow.*

3661. With reference to the power which decides as to the area within which the operations can be carried out, do I understand you to say that that is settled before it comes to the Select Committee, or is it decided by the Select Committee?—It would be looked into before it goes to the Select Committee, and the Lord Chairman would communicate with the Chairman of the Select Committee if he thought the limits were too large.

3662. And it would be in the discretion of the Committee, would it, to narrow them, or to leave them as drawn?—Yes; but, as an ordinary rule, a matter of that sort would be settled between the promoters and the Lord Chairman.

Lord *Thring.*

3663. It would not be in the discretion of the Committee to extend the limits, would it?—No; they cannot go beyond the plans.

Chairman.

3664. The noble Marquess asked you some questions as to buying parts of the interests. If the machinery of the Lands Clauses Act is used at all (I am not now speaking of any special Act of Parliament which may be passed, and which may do anything), you must give notice to everybody interested in the land, must you not?—I am not aware that that is so; supposing a particular interest had been purchased by agreement beforehand.

3665. You may get rid of that by agreement, I know; but I was not speaking of getting rid of the machinery of the Act of Parliament in that way; by agreement you can do anything; but assume you have to put the machinery of the

Lands

Chairman—continued.

Lands Clauses Act into operation, you could not, for instance, give notice to the freeholder and not to the leaseholder; you must give notice to everybody, must you not?—No doubt notice to everybody is always given, but I am not aware of any statutory obligation to do it.

Lord *Lingen.*

3666. I think this point is rather material to the question we have before us, and I do not quite understand what the witness's answer was to it. Can you go to the reversioner without touching the tenant at all, buy his interests, and leave the tenant where he was before?—I think so.

Chairman.

3667. Will you look at the 18th Section of the Lands Clauses Act. If you mean to use that machinery you must give notice to everybody, and the notice is the contract between the purchaser and the seller. The moment the notice is given, that constitutes the Parliamentary contract, does it not?—Quite so. I doubt whether there is a legal obligation, and whether a lessee could complain that he and the freeholder were not put in the same position.

Chairman—continued.

3668. The statute appears to me to prevent that very transaction which you think is permissible, namely, that you shall not purchase individual interests because you might play one off against the other. Whatever the object of it is, how do you construe the 18th Section?—"They shall give notice thereof to all the parties interested in such lands." I should construe that as pointing out the procedure to be adopted when the promoters desire to become absolute owners of the land, but not as giving any right to any party as against the promoters.

3669. I am afraid we must form our own views about what the law is?—There is, I believe, no judicial authority on the point.

Lord *Thring.*

3670. There is no doubt what the practice is, is there?—There is no doubt about the practice at all, and the case has never arisen. I would venture to say that when the Lands Clauses Act was passed nobody ever dreamt of a particular interest only in a property being taken under the powers of the Act, and other interests purposely left untaken.

The Witness is directed to withdraw.

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APPENDIX.

Appendix A.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

Clause 28 of the London Streets (Strand Improvement) Bill, 1890.

Proportionate contributions towards expense of Improvement from property increased in value.

"28. And whereas the Improvement being effected out of public funds belonging to or charged upon the ratepayers of the County of London will or may increase in value lands or property fronting on or in the neighbourhood of the improvement but not acquired for the purpose thereof and it is reasonable that provision should be made under which such increased value should be reserved wholly or in part for the ratepayers at whose expenditure it has been produced therefore :

(1). There shall be a Rent-charge to be called the Strand Improvement Rent-charge which shall be fixed ascertained charged and payable in manner hereinafter described. But the total of the Strand Improvement Rent-charge shall not be of any amount which when capitalized on such basis as the Standing Arbitrator may deem reasonable would in his opinion exceed one-half of the cost of the improvement.

Standing Arbitrator.

(2.) A Standing Arbitrator may be from time to time appointed for the purposes of this Act on the application of the Council by Her Majesty's Principal Secretary of State for the Home Department and such Arbitrator shall be entitled to such fees or remuneration as may be fixed by such Principal Secretary and shall have the powers and proceed in manner hereafter mentioned.

Provisional award.

(3.) The Council shall as soon as conveniently may be (not later than three years after the completion of the improvement) cause to be framed a provisional award describing the lands and premises abutting on or in the neighbourhood of the Improvement which in their opinion are or will be increased in value by or in consequence of the improvement and shall in such provisional award state.

(a.) The amount of the increased value which in the opinion of the Council will result to the lands and premises described in the said award respectively.

(b.) The amount of the Strand Improvement Rent-charge to be apportioned on the lands and premises respectively in respect of such increased value.

(c.) The names of the owners lessees and occupiers of the lands and premises respectively so far as they can be ascertained.

(d.) The person or persons (whether entitled to the rack-rent or in occupation of or otherwise interested in the lands or premises for the time being) by whom such Rent-charge shall be payable.

But there shall not be included in such award (or in any amended or final award made as hereinafter provided) any lands or premises not situate within the area described in the Schedule to this Act.

Resolution approving award.

(4.) The provisional award shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit.

Notice of approval.

(5.) The resolution approving the provisional award shall be published once in each of two successive weeks in two or more London daily newspapers and copies thereof shall be publicly posted in or near the improvement and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees and occupiers of the lands and premises described in the provisional award as being increased in value. Provided that in case the Council are unable to ascertain the name or address of any such owner or lessee it shall be sufficient to serve the copy of the resolution on the occupier of the lands and premises with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy to the door or some other conspicuous and convenient place at or near the premises.

Inspection of award.

(6.) During one month from the date of the resolution the provisional award or copies thereof certified by the clerk or other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested.

Objections to award.

(7.) During the said month any owner lessee or occupier of any lands or premises described in the provisional award as being increased in value may by written notice served on the Council object to the provisional award on any of the grounds following:

(i.) That any premises included in the award or that any owner or lessee or occupier ought to be excluded;

(ii.) That any lands or premises omitted from the award or that any owner or lessee or occupier ought to be inserted;

(iii.) That the provisional award is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of the amount of increased value attributed to the lands or premises;

(iv.) That the alleged increased value or any part thereof is not attributable to the execution of the improvement;

(v.) That the Rent-charge in respect of any lands or premises ought to be payable for the time being either wholly or in part by some person or persons other than as named in that behalf in the award or interested for the time being in the same otherwise than as in the award mentioned.

For the purposes of this Section joint tenants or tenants in common may object through one of their number authorised in writing under the hand of the majority of such joint tenants or tenants in common and any lessees or sub-lessees may combine in one objection.

Hearing and determination of objections.

(8) (i.) The Council at any time after the expiration of the said month may apply to the Standing Arbitrator to appoint a time for determining the matter of all objections made as in this Act mentioned and for making a final award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and also upon the owners and lessees of any land or premises inserted or which it may be proposed to insert in the award and at the time and place so appointed the Standing Arbitrator may proceed to hear and determine the matter of all such objections The Standing Arbitrator may quash in whole or in part or may amend the resolution and provisional award or either of them on the application either of any objector or of the Council. The Standing Arbitrator may also if he thinks fit adjourn the hearing and direct any further notices to be given;

(ii.) No objection to any resolution or award which could be made under this Act shall be otherwise made or allowed in any Court proceeding or manner whatsoever;

(iii.) The costs charges and expenses of any proceedings and of the Council and all other parties to any proceedings before the Standing Arbitrator shall be in the discretion of the Arbitrator who shall have power to award by whom and in what proportions such costs charges and expenses including any part of the fees or remuneration of the Arbitrator shall be borne;

(iv.) The Arbitrator may if he think fit direct that the whole or any part of such costs charges and expenses ordered to be paid by an objector or objectors shall be paid in the first instance by the Council and a sum in respect thereof added to the Strand Improvement Rent-charge apportioned on the premises in respect of which the objection was made or on the premises of such objectors in such proportions as may appear just.

(9.) The Standing Arbitrator may at any time state a special case for the opinion of the High Court of Justice or any division thereof with reference to any question of law arising in the course of any proceedings relating to any objections.

Basis of apportionment.

(10.) In the apportionment of the Strand Improvement Rent-charge regard shall be had to the greater or less degree of benefit to be derived by any land or premises from the improvement and to the consideration whether and to what extent the increased value in any particular case may be due wholly or in part to causes other than the improvement.

Amendment of award.

(11.) The Council may from time to time by resolution amend the provisional award and may if they think just include in the provisional award as amended any premises which in their opinion will be increased in value by the improvement and may fix and apportion the sum to be charged upon any such premises as Strand Improvement Rent-charge but any such resolution shall be published and copies thereof shall be served and copies of the amended award deposited for public inspection in the manner hereinbefore described with respect to the original resolution and provisional award and objections may be made to the resolution and amended award in like manner and if made shall be dealt with and determined in like manner as objections to the original provisional award.

Final award.

(12.) When and so soon as the provisional award and any amendments thereof and all objections thereto respectively shall have been disposed of as by this Act directed the

the Standing Arbitrator shall issue a final award under his hand which shall be conclusive for all purposes.

A copy of the final award shall be published once in the "London Gazette" and notice of such final award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands and premises affected thereby.

Effect of award.

(13.) If no objection as hereinbefore provided be made to the provisional award the amount defined by the provisional award and amended provisional award (if any) and if a final award be made as herein provided the amount defined by the final award as the Strand Improvement Rent-charge in respect of any lands or premises shall be a charge and encumbrance on the freehold of the lands or premises and the Council may cause the same to be registered as a land charge under "The Land Charges Registration and Searches Act 1888."

By whom Rent-charge payable.

(14.) The Strand Improvement Rent-charge shall be payable from time to time by the person or persons named or interested as stated in that behalf in the award.

Redemption of Rent-charge.

(15.) The person or persons for the time being entitled to the freehold or inheritance of any lands and premises subject to the Strand Improvement Rent Charge shall be entitled from time to time to redeem the same on giving notice in writing to the Council of a sum of money equal to the selling market value at the closing price of the day of a sum of Metropolitan Consolidated Stock producing an amount of interest equal to the Rent-charge.

Any owner lessee or occupier of any lands or premises subject to the Strand Improvement Rent Charge may from time to time redeem the same by agreement with the Council.

Sale of unredeemed Rent-charge.

The Council may at any time after the date of the final award sell and dispose of such of the Strand Improvement Rent Charges as shall not then have been redeemed.

Any money received by the Council under this section shall be carried to the Consolidated Loans Fund.

Payment of Improvement Rate.

(16.) The Strand Improvement Rent Charge in respect of any lands or premises shall be payable half yearly and shall be deemed to accrue due on the first day of January and the first day of July in every year succeeding the date of the final award or of the provisional award if no objection is made thereto unless redeemed as herein provided and if not paid to the Council on demand may be recovered in a Court of Summary Jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by "The Conveyancing and Law of Property Act 1881" with regard to sums payable by way of Rent-charge.

"The Arbitration Act 1889 shall subject to the provisions of this section apply to the Standing Arbitrator and procedure before him except that the final award shall be conclusive and not subject to appeal or review."

Appendix B.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

Clause 7 of the London County Council (General Powers) Bill of 1892.

Improvement Rate. How to be fixed and charged.

"7. (1.) There shall be a charge and rate to be called 'The Cromwell Road Bridge Improvement Charge' and 'The Cromwell Road Bridge Improvement Rate' which may be imposed subject to the provisions hereinafter set forth upon all lands and buildings situate in the Parish of Fulham and within a radius of half a mile of the western end of the bridge.

(2.) The Council shall as soon as conveniently may be but not later than three years after the completion of the bridge cause to be framed a provisional award describing such of the lands and property situate in the said Parish of Fulham and within such radius as aforesaid as in the opinion of the Council ought to bear and pay the said improvement charge and rate and the Council shall in such provisional award state and specify:

(a.) The names of the owners lessees and occupiers of the lands and premises described in the said award respectively so far as they can be ascertained.

(b.) The proportionate amounts in capital sums and by way of rate which in the opinion of the Council ought to be charged in respect of the said charge and rate upon such lands and premises respectively.

Provided as follows:—

(a.) The aggregate amount to be awarded as the Cromwell Road Bridge Improvement charge shall not exceed twenty-two thousand pounds and if one equal third part of the net cost of the bridge shall be less than twenty-two thousand pounds then the aggregate amount to be finally awarded as the Cromwell Road Bridge Improvement charge shall not be less than one-third of such net cost with interest on one-half of the sums paid on account thereof by the vestry at the rate of Four per centum per annum from the respective dates of payment.

(b.) The aggregate amount to be levied by way of Improvement Rate under this section shall be equal to interest at the rate of Four per centum per annum on the total amount of the improvement charge.

(c.) There shall not be included in any such award (or in any amended or final award made as hereinafter provided) any lands or premises not situate with the Parish of Fulham and within such radius as aforesaid.

(d.) Nor shall any such award provide for imposing any charge or rate on any lands or premises unless the capital sum awarded in respect thereof shall amount at least to Twelve pounds and Ten shillings.

(3.) In the award regard shall be had to the greater or less degree of benefit which in the opinion of the Council or the arbitrator will be derived by any lands or premises from the improvement.

When to commence.

(4.) Where the property to be charged shall have been unoccupied or in the occupation of the freeholder at the passing of this Act the improvement rate shall begin to be payable from the first day of April or October (as the case may be) next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed as hereinafter provided.

(5.) In determining the Improvement Rate to be paid in respect of any lands and premises which shall not have been in the occupation of the freeholder at the passing of this Act the Council may take into consideration all the circumstances of the case and in particular may consider the several interests in such land and premises and the time at which they severally expire and may make the commencement of each Improvement Rate dependent on the expiration of any term of years or other period or on the happening of any event as they shall deem fair and equitable and may apportion the incidence of such Improvement Rate as between the freehold and any other estate or interest in the lands and premises during the period of any existing term of years for which the same is held.

Where the commencement of such rate is deferred compound interest at the rate of Four per centum per annum on the amount of the capital charge shall be reckoned

reckoned from the first day of April or October (as the case may be) next ensuing after the date of the award up to the date of the commencement of the rate and the amount of the capital charge on the premises shall be increased accordingly and the Improvement Rate payable in respect of the premises shall thereafter be a sum equal to Four per centum per annum on the amount of the charge as increased. But such charge and rate may nevertheless be redeemed at any time (whether before or after the date fixed for the commencement of the rate) on payment as hereafter provided of the capital charge with the interest and all arrears (if any) of the rate.

Resolution approving award.

(6.) The provisional award shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit.

Notice of approval.

(7.) The resolution approving a provisional award shall be published once in each of two successive weeks in two or more London daily newspapers and copies of such resolution shall be publicly posted on or near the bridge and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees (if any) and occupiers of the lands and premises described in the provisional award. Provided that in case the Council are unable to ascertain the name or address of any owner or lessee on whom a copy is to be served it shall be sufficient to serve a copy of the resolution on the occupier of the lands and premises with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to the door or some other conspicuous and convenient place at or near the premises.

Inspection of award.

(8.) During one month from the date of the first publication of the resolution the provisional award or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested.

Objections to award.

9. During the said month any owner or lessee of any lands or premises described in the provisional award or the occupier thereof for the time being or the said Vestry of Fulham may by written notice served on the Council object to the provisional award on any of the grounds following :—

(i.) That any premises included in the award or that any owner lessee or occupier ought to be excluded ;

(ii.) That any lands or premises omitted from the award or that any owner lessee or occupier thereof ought to be inserted ;

(iii.) That the provisional award is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of the amount of the improvement charge or rate charged upon the lands or premises.

(iv.) That the improvement rate in respect of any lands or premises ought to be payable for the time being either wholly or in part by some person other than the person named in that behalf by the award or by some person interested for the time being in the same otherwise than as in the award mentioned.

For the purposes of this section joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in an objection.

(10.) If at the expiration of the said period of one month no notice of objection shall have been served on the Council then the Council may publish notice to that effect in the 'London Gazette' and as from the date of such notice such provisional award shall become a final award.

Appointment of Arbitrator.

(11.) If any such notice of objection be served on the Council within the said period of one month then the Council may and shall appoint an Arbitrator for the purposes of this section and as often as any such Arbitrator may die or resign or become incapable of acting (previous to the making of a final award as hereafter provided) they shall and may from time to time appoint another Arbitrator in his stead and every such Arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government Board. Every such appointment of an Arbitrator shall be subject to the approval of the Local Government Board.

Hearing and determination of objections.

(12.) (i.) The Council at any time after the appointment of the Arbitrator may apply to the Arbitrator to appoint a time for determining the matter of all objections made as in this Act mentioned and for making a final award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and also upon the owners and lessees of any land or premises inserted or which it may be proposed to insert in the award and at the time and place so appointed the Arbitrator may proceed to hear and determine the matter of all such objections The Arbitrator may amend the resolution and provisional award or either of them on the application either of any objector or of the Council The Arbitrator may also if he thinks fit adjourn the hearing and direct any further notices to be given;

(ii.) No objection to any resolution or award which could be made under this Act shall be otherwise made or allowed in any Court proceeding or manner whatsoever.

(iii.) The costs charges and expenses of any proceedings and of the Council the vestry and all other parties to any proceedings before the Arbitrator shall be in the discretion of the Arbitrator who shall have power to award and by whom and in what proportions such costs charges and expenses including any part of the fees or remuneration of the Arbitrator shall be borne ;

(iv.) The Arbitrator may if he think fit direct that the whole or any part of such costs charges and expenses ordered to be paid by an objector or objectors shall be paid in the first instance by the vestry and a sum in respect thereof added to the improvement rate apportioned on the premises in respect of which the objection was made or on the premises of such objectors in such proportions as may appear just.

(13.) The Arbitrator may at any time state a special case for the opinion of the High Court or any Division thereof with reference to any question of law arising in the course of any proceeding relating to any objections.

Amendment of award.

(14.) The Council may from time to time (but not later than three years after the completion of the Bridge) by Resolution amend the provisional award and may if they think just include in the provisional award as amended any premises not included in the original award and may fixed and apportion the sum to be charged upon any such premises as improvement charge and rate but any such Resolution shall be published and copies thereof shall be served and copies of the amended award deposited for public inspection in the manner hereinbefore prescribed with respect to the original Resolutions and provisional award and objections may be made to the Resolution and amended award in like manner and if made shall be dealt with and determined in like manner as objections to the original provisional award.

Final award.

(15.) When and so soon as the provisional award and any amendments thereof and all objections thereto respectively shall have been disposed of as by this Act directed the Arbitrator shall issue a final award under his hand which shall be conclusive for all purposes.

A copy of the final award shall be published once in the 'London Gazette' and notice of such final award shall be served upon the owners or reputed owners lessees and occupiers of the lands and premises affected thereby.

Effect of award.

(16.) If no objection as hereinbefore provided be made to the provisional award the amount defined by the provisional award or the amended provisional award (and if a final award be made as hereinbefore provided then the amount defined by the final award) as the improvement charge in respect of each property (with the interest thereon in cases where the commencement of the rate is deferred as herein authorised) and the improvement rate in respect of each property shall be a charge and encumbrance thereon and the Council shall cause the same to be registered as a land charge under 'The Land Charges Registration and Searches Act 1888.'

The improvement rate due in respect of any property shall at and after the times by this Act prescribed be payable to the Vestry on demand and in default thereof may be recovered in any Court of Summary Jurisdiction and in addition the Vestry may have and exercise such remedies for recovering the same as are conferred by 'The Conveyancing and Law of Property Act 1881' with regard to sums payable by way of rent-charge.

Redemption of Improvement Rate.

(17.) Any owner lessee or occupier of any lands or premises subject to the improvement rate or any other person interested therein may from time to time redeem the same by agreement with the Vestry and shall be entitled from time to time to pay off the improvement charge upon any lands or premises on giving notice in writing to the vestry and when and so soon as the improvement charge in respect of any premises is paid off with such interest (if any) as aforesaid and also with any arrears of improvement rate due in respect thereof then the improvement charge shall be deemed to be satisfied and the rate shall be no longer payable in respect of the said premises and the Council shall give a certificate under their common seal that the said charge and rate are redeemed and satisfied which shall be sufficient evidence thereof.

Payment of Improvement Rate.

(18.) The improvement rate in respect of any lands or premises shall be payable half-yearly and shall be deemed to accrue due on the first day of October and the first day of April in every year until redeemed as herein provided and may be collected by the same demand note and along with any other rates leviable by the overseers.

'The Arbitration Act 1889' shall subject to the provisions of this Section apply to the Arbitrator and procedure before him except that the final award shall be conclusive and not subject to appeal or review."

Appendix C.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

Clause 41 of the London Improvements Bill 1893.

"41. And whereas the Improvements (other than the said widening of Wood-lane of which one-half the net cost is to be defrayed by the said vestry) will be effected out of public funds charged over the whole county and will or may increase in value or benefit lands in the neighbourhood of the improvements which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value or benefit a charge should be placed on such lands. Therefore the following provisions shall have effect, viz. :— Improvement charge.

(1.) In this section the expression "improvement" or "improvements" shall not be deemed to include the widening of Wood-lane Hammersmith by this Act authorised. Exception of widening of Wood-lane Hammersmith.

(2.) All lands within the limits marked on the deposited plans as "limits of deviation" in relation to the said improvements respectively but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions hereinafter set forth) in respect or in consideration of any increased value or benefit which such lands may respectively derive from the said improvements by this Act authorised. Lands charged.

(3.) The Council shall as soon as conveniently may be (but not later than seven years after the passing of this Act) cause to be framed an assessment describing such of the lands situate within the said limits as in the opinion of the Council ought to bear and pay the said Improvement charge and the Council shall in such assessment state and specify : Assessment.

(a.) The names of the owners lessees and occupiers of the lands described in the said assessments respectively so far as they can be ascertained;

(b.) The apportioned amounts by way of charge which in the opinion of the Council ought to be charged upon such lands respectively.

The assessment shall contain a statement of the amount which in the opinion of the Council will be the enhanced value or benefit derived or to be derived by the lands respectively from the Improvements. The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to Three per centum per annum upon One-half of the amount which in the opinion of the Council will be the enhanced value or benefit derived or to be derived by the said lands from the Improvements;

(4.) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit. Approval of Assessment by Council.

(5.) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers and copies of such resolution shall be publicly posted on the site of the Improvement to which it relates and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees (if any) and occupiers of the lands described in the assessment. Provided that in case the Council are unable to ascertain the name or address of any owner or lessee on whom a copy is to be served it shall be sufficient to serve a copy of the resolution either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands. Notice of Assessment

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served.

Copies to be deposited.

(6.) From and after the date of the first publication of the resolution and until the expiration of one month from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested.

Objection to Assessment.

(7.) During the said month any owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the Council object to the assessment on any of the grounds following :

(i.) That any lands included in the assessment or that any owner lessee or occupier thereof ought to be excluded ;

(ii.) That any lands omitted from the assessment or that any owner lessee or occupier thereof ought to be inserted ;

(iii.) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of the amount of the charge charged upon the lands ;

(iv.) That the charge in respect of any lands ought to be payable for the time being either wholly or in part by some person other than the person named in that behalf in the assessment or by some person interested for the time being in the same otherwise than as in the assessment mentioned.

For the purposes of this section joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in an objection.

If no Objection Assessment final.

(8.) If at the expiration of the said period of one month no notice of objection shall have been served on the Council then the Council may publish notice to that effect in the 'London Gazette' and as from the date of such notice such assessment shall become a final award.

Arbitrator to settle objections.

(9.) If any such notice of objection be served on the Council within the said period of one month then the Council may and shall apply to the Local Government Board to appoint an Arbitrator for the purposes of this section and the Local Government Board shall appoint an Arbitrator accordingly and as often as any such Arbitrator may die or resign or become incapable of acting (previous to the making of an award as hereafter provided) the Council may and shall in like manner apply to the said Board and the said Board shall from time to time appoint another Arbitrator in his stead and every such Arbitrator shall be intitled to such fees or remuneration as may be fixed by the Local Government Board.

Procedure of Arbitrator.

(10.) (i.) The Council at any time after the appointment of the Arbitrator may apply to the Arbitrator to appoint a time for determining the matter of all objections made as in this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award and at the time and place so appointed the Arbitrator may proceed to hear and determine the matter of all such objections. The Arbitrator may amend the assessment on the application either of any objector or of the Council. Provided that if he insert the name of any person in the award which was not included in the original assessment or increase the amount of the charge on any property such notice as the Arbitrator may think sufficient shall be given to the person affected to enable him to object to such insertion.

(ii.) The Arbitrator may also if he think fit adjourn the hearing and direct any further notices to be given.

(iii.) No objection to any resolution assessment or award which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(iv.) The costs charges and expenses of any proceedings and of the Council and all other parties to any proceedings before the Arbitrator shall be in the discretion of the Arbitrator who shall have power to award by whom and in what proportions such costs charges and expenses including any part of the fees or remuneration of the Arbitrator shall be borne and the Arbitrator shall have power to include in the costs charges and expenses of any objector or objectors all costs charges and expenses which in his opinion the said objector or objectors have properly incurred in resisting the assessment.

(v.) The Arbitrator may if he think fit direct that the whole or any part of such costs charges and expenses ordered to be paid by an objector or objectors shall be paid in the first instance by the Council and a sum in respect thereof added to the charge apportioned on the lands in respect of which the objection was made or on the lands of such objectors in such proportions as may appear just.

(11.) The

(11.) The Arbitrator may at any time state a special case for the opinion of the High Court or any division thereof with reference to any question of law arising in the course of any proceedings relating to any objections. Special case.

(12.) The Council may from time to time if they think just but subject to the provisions of this Act by resolution amend the assessment so as to include in the assessment as amended any lands not include l in the original assessment and may fix and apportion the sums to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner hereinbefore prescribed with respect to the original resolution and assessment and objections may be made to the resolution and amended assessment in like manner and if made shall be dealt with and determined in like manner as objections to the original assessment. Amendment of Assessment.

(13). When and so soon as the assessment and any amendments thereof and all objections thereto respectively shall have been disposed of as by this Act directed the Arbitrator shall issue an award under his hand which shall be final and conclusive for all purposes. Final award.

A copy of the award shall be published once in the 'London Gazette' and notice of such award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands affected thereby.

(14.) If no objection as hereinbefore provided be made to the assessment the amount defined by the assessment or the amended assessment (and if an award be made as hereinbefore provided then the amount defined by the award) as the charge in respect of each property shall be a charge and incumbrance thereon and the Council shall cause the same to be registered as a land charge under 'The Land Charges Registration and Searches Act 1888.' Effect of charge.

(15.) The annual charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed and satisfied. Provided as follows: Where the lands charged shall have been in the possession of the freeholder at the passing of this Act or at any time between the passing of this Act and the date of the award the charge shall be payable by the freeholder and where the lands charged shall not have been in the possession of the freeholder at the passing of this Act or before the date of the award the Council in framing the assessment or the Arbitrator in making the award may take into consideration all the circumstances of the case and in particular may consider the several interests in such lands and the time at which they severally expire and may make the commencement of such charge dependent on the expiration of any term of years or other period or on the happening of any event as they shall deem fair and equitable and may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award. Incidence of charge.

(16.) The charge due in respect of any property shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose. Collection of charge.

Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect o the charge from such person. But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable.

In case of default being made in any payment due to the Council in respect of the charge the amount thereof may be recovered in any court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by 'The Conveyancing and Law of Property Act, 1881' with regard to sums payable by way of rent charge.

(17.) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be entitled from time to time to pay off the charge upon any lands on giving notice in writing to the Council and when and so soon as the capital sum charged on any lands is paid off with any arrears of charge due in respect thereof then the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof. Redemption of charge.

As to existing contracts &c.

(18.) Where the incidence of the annual charge as between any persons interested in the property is regulated or affected by contract or covenant the Arbitrator shall have regard to such contract or covenant and this Act shall not be deemed to alter the effect of such contract or covenant.

"Lands" not to include pipes &c.

(19.) The expression 'lands' in this section shall not include any main pipe or apparatus of any Company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting telephone or hydraulic company authorised by any Act of Parliament or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire.

Arbitration Act to apply.

(20.) 'The Arbitration Act 1889' shall subject to the provisions of this section apply to the Arbitrator and procedure before him except that the award shall be conclusive and not subject to appeal or review."

Appendix D.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

Clause 37 London County Council (Tower Bridge Southern Approach) Bill 1894.

"37. And whereas the improvement will be effected out of public funds charged over the whole county and will or may increase in value or benefit lands in the neighbourhood of the improvement which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value or benefit a charge should be placed on such lands. Therefore the following provisions shall have effect, viz. : Improvement charge.

(1.) All lands within the limits marked on the deposited plans as 'Limits of Deviation' in relation to the improvement but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions hereinafter set forth) in respect or in consideration of any increased value or benefit which such lands may respectively derive from the improvement by this Act authorised : Lands charged.

(2.) The Council shall as soon as conveniently may be (but not later than seven years after the passing of this Act) cause to be framed an assessment describing such of the lands situate within the said limits as in the opinion of the Council ought to bear and pay the said improvement charge and the Council shall in such assessment state and specify : Assessment.

(*a.*) The names of the owners lessees and occupiers of the lands described in the said assessment respectively so far as they can be ascertained :

(*b.*) The apportioned amounts by way of charge which in the opinion of the Council ought to be charged upon such lands respectively :

The assessment shall contain a statement of the amount which in the opinion of the Council will be the enhanced value or benefit derived or to be derived by the lands respectively from the improvement ;

The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this Section shall be equal to three per centum per annum upon one-half of the amount which in the opinion of the Council will be the enhanced value or benefit derived or to be derived by the said lands from the improvement ;

(3.) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit; Approval of Assessment by Council.

(4.) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers and copies of such resolution shall be publicly posted on the site of the improvement and within seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees (if any) and occupiers of the lands described in the assessment. Provided that in case the Council are unable to ascertain the name or address of any owner or lessee on whom a copy is to be served it shall be sufficient to serve a copy of the resolution either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands. Notice of Assessment.

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served.

(5.) From and after the date of the first publication of the resolution and until the expiration of one month from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested. Copies to be deposited.

Objection to Assessment.

(6.) During the said month any owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the Council object to the assessment on any of the grounds following :

(i.) That any lands included in the assessment or that any owner lessee or occupier ought to be excluded ;

(ii.) That any lands omitted from the assessment or that any owner lessee or occupier thereof ought to be inserted ;

(iii.) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of the amount of the charge charged upon the lands ;

(iv.) That the charge in respect of any lands ought to be payable for the time being either wholly or in part by some person other than the person named in that behalf in the assessment or by some person interested for the time being in the same otherwise than as in the assessment mentioned.

For the purposes of this section joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in an objection.

If no objection Assessment final.

(7.) If at the expiration of the said period of one month no notice of objection shall have been served on the Council then the Council may publish notice to that effect in the 'London Gazette' and as from the date of such notice such assessment shall become a final award.

Arbitrator to settle objections.

(8.) If any such notice of objection be served on the Council within the said period of one month then the Council may and shall apply to the Local Government Board to appoint an Arbitrator for the purposes of this section and the Local Government Board shall appoint an Arbitrator accordingly and as often as any such Arbitrator may die or resign or become incapable of acting (previous to the making of an award as hereafter provided) the Council may and shall in like manner apply to the said Board and the said Board shall from time to time appoint another Arbitrator in his stead and every such Arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government Board.

Procedure of Arbitrator.

(9.) (i.) The Council at any time after the appointment of the Arbitrator may apply to the Arbitrator to appoint a time for determining the matter of all objections made as in this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award and at the time and place so appointed the Arbitrator may proceed to hear and determine the matter of all such objections. The Arbitrator may amend the assessment on the application either of any objector or of the Council. Provided that if he insert the name of any person in the award which was not included in the original assessment or increase the amount of the charge on any property such notice as the Arbitrator may think sufficient shall be given to the person affected to enable him to object to such insertion ;

(ii.) The Arbitrator may also if he think fit adjourn the hearing and direct any further notices to be given ;

(iii.) No objection to any resolution assessment or award which could be made under this Act shall be otherwise made or allowed in any Court proceeding or manner whatsoever ;

(iv.) The costs charges and expenses of any proceedings and of the Council and all other parties to any proceedings before the Arbitrator shall be in the discretion of the Arbitrator who shall have power to award by whom and in what proportions such costs charges and expenses including any part of the fees or remuneration of the Arbitrator shall be borne and the Arbitrator shall have power to include in the costs charges and expenses of any objector or objectors all costs charges and expenses which in his opinion the said objector or objectors have properly incurred in resisting the assessment.

(v.) The Arbitrator may if he think fit direct that the whole or any part of such costs charges and expenses ordered to be paid by an objector or objectors shall be paid in the first instance by the Council and a sum in respect thereof added to the charge apportioned on the lands in respect of which the objection was made or on the lands of such objectors in such proportions as may appear just.

Special case.

(10.) The Arbitrator may at any time state a special case for the opinion of the High Court or any division thereof with reference to any question of law arising in the course of any proceedings relating to any objections.

(11.) The

(11.) The Council may from time to time if they think just (but subject to the provisions of this Act) by resolution amend the assessment so as to include in the assessment as amended any lands not included in the opiginal assessment and may fix and apportion the sums to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner hereinbefore prescribed with respect to the original resolution and assessment and objections may be made to the resolution and amended assessment in like manner and if made shall be dealt with and determined in like manner as objections to the original assessment. Amendment of Assessment.

(12.) When and so soon as the assessment and any amendments thereof and all objections thereto respectively shall have been disposed of as by this Act directed the Arbitrator shall issue an award under his hand which shall be final and conclusive for all purposes; Final award.

A copy of the award shall be published once in the 'London Gazette' and notice of such award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands affected thereby.

(13.) If no objection as hereinbefore provided be made to the assessment the amount defined by the assessment or the amended assessment (and if an award be made as hereinbefore provided then the amount defined by the award) as the charge in respect of each property shall be a charge and incumbrance thereon and the Council shall cause the same to be registered as a land charge under 'The Lands Charges Registration and Searches Act 1888." Effect of charge.

(14.) The charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the date of the award and shall be payable thereafter half-yearly until redeemed and satisfied. Incidence of charge.

Provided as follows: Where the lands charge shall have been in the possession of the freeholder at the passing of this Act or at any time between the passing of this Act and the date of the award the charge shall be payable by the freeholder and where the lands charged shall not have been in the possession of the freeholder at the passing of this Act or before the date of the award the Council in framing the assessment or the Arbitrator in making the award may take into consideration all the circumstances of the case and in particular may consider the several interests in such lands and the time at which they severally expire and may make the commencement of such charge dependent on the expiration of any term of years or other period or on the happening of any event as they shall deem fair and equitable and may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award.

(15.) The charge due in respect of any property shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose. Collection of charge.

Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect of the charge from such person. But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable.

In case of default being made in any payment due to the Council in respect of the the charge the amount thereof may be recovered in any Court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by "The Conveyancing and Law of Property Act 1881" with regard to sums payable by way of rent-charge.

(16.) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be entitled from time to time to redeem the charge upon any lands on payment to the Council of any arrears thereof and of a sum equal to thirty-three times the amount of such charge and from and after such redemption the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof. Redemption of charge.

(17.) Where the incidence of the charge as between any persons interested in the property is regulated or affected by contract or covenant the Arbitrator shall have regard As to existing contracts &c.

regard to such contract or covenant and this Act shall not be deemed to alter the effect of such contract or covenant;

"Lands" not to include pipes &c.

(18.) The expression 'lands' in this Section shall not include any main pipe or apparatus of any company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting telephone or hydraulic company authorised by any Act of Parliament or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire;

Arbitration Act to apply.

(19.) 'The Arbitration Act 1889' shall subject to the provisions of this Section apply to the Arbitrator and procedure before him except that the award shall be conclusive and not subject to appeal or review."

APPENDIX E.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

CLAUSE 37 of the London County Council (Tower Bridge Southern Approach) Bill 1894 as amended in Committee of the House of Commons.

"37. And whereas the improvement will be effected out of public funds charged over the whole county and will or may substantially and permanently increase in value lands in the neighbourhood of the improvement which will not be acquired for the purpose thereof and it is reasonable that provision should be made under which in respect or in consideration of such increased value a charge should be placed on such lands. Therefore the following provisions shall have effect, viz. :— Improvement charge.

(1.) All lands within the limits marked on the deposited plans as 'Limits of Deviation' in relation to the improvement but which shall not be purchased and taken by the Council under the powers of this Act shall be liable to have an improvement charge placed on such lands or some of them (in accordance with the provisions hereinafter set forth) in respect or in consideration of any substantial and permanent increase in value which it is clearly shown has been or may be derived from the improvement by this Act authorised. Lands charged.

(2.) At least two months before the Council commence any part of the improvement they shall give notice by registered letter addressed to each owner lessee or occupier of any such lands or premises within the limits of deviation shown on the deposited plans as the Council intend to include in the specification hereafter mentioned and thereupon any such owner lessee or occupation may apply to the Local Government Board to appoint some independent person to make a valuation of the several properties within the limits of deviation which the Council shall specify by notice under their seal delivered to the person so appointed within twenty-one days after his appointment and the person so appointed shall thereupon proceed to make a valuation of all such lands and properties. The proper cost of making such valuation (to be fixed in case of difference by the Local Government Board) shall be paid by the Council.

Provided that if within one month after the service of the said notice no application be made for the appointment of a person to make such valuation the Council may make such application and the valuation shall be made accordingly ;

In making such valuation the valuer shall separately distinguish and assess in the case of each hereditament the value of the land or site apart from that of any existing buildings thereon and shall also value the hereditament as a whole and shall not take into consideration any increased value accruing or supposed to accrue to such land or site from or in consequence of the improvement but shall only take into consideration the value of the said land or site and hereditament respectively independent of and as if the said improvement had not been contemplated ;

The valuation so made shall be deposited with the Clerk of the Council and shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any persons and their duly authorised agents interested in any property comprised in the said valuation.

(3.) The Council shall as soon as conveniently may be (but not later than seven years after the passing of this Act) cause to be framed an assessment describing the lands situate within the said limits and described in the said valuation which the Council allege ought to bear and pay the said improvement charge and the Council shall in such assessment state and specify ; Assessment.

(a.) The names of the owners lessees and occupiers of the lands described in the said assessment respectively so far as they can be ascertained ;

(b.) The apportioned amounts by way of charge the Council allege ought to be charged upon such lands respectively.

The assessment shall contain a statement of the amount which the Council allege will be the enhanced value derived or to be derived by the lands respectively from the Improvement.

The amount to be proposed in the assessment as the charge to be placed on any lands under the provisions of this section shall be equal to Three per centum per annum

annum upon one-half of the amount which in the opinion of the Council will be the enhanced value derived or to be derived by the said lands from the Improvement.

Approval of Assessment by Council.

(4.) The assessment shall be submitted to and considered by the Council at a meeting or meetings and the Council may by resolution approve the same either with or without modification or addition as they think fit.

Notice of Assessment.

(5.) The resolution approving an assessment shall be published once in each of two successive weeks in two or more London daily newspapers and copies of such resolution shall be publicly posted on the site of the Improvement and within Seven days of the date of the first publication of the resolution copies thereof shall also be served on the owners lessees (if any) and occupiers of the lands described in the assessment. Provided that in case the Council are unable to ascertain the name or address of any owner or lessee on whom a copy is to be served it shall be sufficient to serve a copy of the resolution either by delivering the same to the occupier of the lands with a notice that the same is to be given to each immediate or superior landlord or owner or by affixing a copy of the resolution to some conspicuous and convenient place on or near the lands.

The notices served on the owners lessees and occupiers under this section shall state shortly the effect of the resolution and assessment upon the lands in respect of which they are served.

Copies to be deposited.

(6.) From and after the date of the first publication of the resolution and until the expiration of one month from the date of the last publication thereof the assessment or copies thereof certified by the clerk or some other officer of the Council shall be kept deposited at the office of the Council and shall be open to inspection at all reasonable times by any person interested.

Objection to Assessment.

(7.) During the said month any owner or lessee of any lands described in the assessment or the occupier thereof for the time being may by written notice served on the Council object to the assessment on any of the grounds following :

(i.) That any lands included in the assessment or that any owner lessee or occupier ought to be excluded by reason that it has not been or cannot be clearly shown that the lands to which the notice relates have been or will be substantially and permanently increased in value by the improvement ;

(ii.) That any lands omitted from the assessment and being lands by this Act made liable to have an improvement charge placed upon them or that any owner lessee or occupier of such lands ought in the circumstances of the case to be inserted ;

(iii.) That the assessment is incorrect in respect of some matter of fact (to be specified in the objection) or in respect of the amount of the charge charged upon the lands ;

(iv.) That the charge in respect of any lands ought to be payable for the time being wholly or in part by some person other than the person named in that behalf in the assessment or by some person interested for the time being in the same otherwise than as in the assessment mentioned.

For the purposes of this section joint tenants or tenants in common may object through one of their number authorised in writing under the hands of the majority of such joint tenants or tenants in common and any lessees may combine in an objection.

If no Objection Assessment final.

(8.) If at the expiration of the said period of one month no notice of objection shall have been served on the Council then the Council may publish notice to that effect in the ' London Gazette ' and as from the date of such notice such assessment shall become final.

Arbitrator to settle objections.

(9.) If any such notice of objection be served on the Council within the said period of one month then the Council may apply to the Local Government Board to appoint an Arbitrator for the purposes of this section and the Local Government Board shall appoint an Arbitrator accordingly and as often as any such Arbitrator may die or resign or become incapable of acting (previous to the making of an award as hereafter provided) the Council may in like manner apply to the said Board and the said Board shall from time to time appoint another Arbitrator in his stead and every such Arbitrator shall be entitled to such fees or remuneration as may be fixed by the Local Government.

Procedure of Arbitrator

(10.) (i.) The Council at any time after the appointment of the arbitrator may apply to the Arbitrator to appoint a time for determining the matter of all objections made as in this Act mentioned and for making an award and shall publish a notice of the time and place appointed and copies of such notice shall be served upon the objectors and also upon the owners lessees and occupiers of any lands inserted or which it may be proposed to insert in the award (being in all cases lands by this Act made liable to have an improvement charge placed upon them) and at the time and place so appointed the Arbitrator may proceed to hear and determine the matter o all such objections. The Arbitrator may amend the assessment on the application either

either of any objector or of the Council. Provided that if he insert the name of any person in the award which was not included in the original assessment or increase the amount of the charge on any property such notice as the arbitrator may think sufficient shall be given to the persons affected to enable them to object to such insertion or increase ;

(ii.) The arbitrator may also if he think fit adjourn the hearing and direct any further noticies to be given ;

(iii.) No objection to any resolution assessment or award which could be made under this Act shall be otherwise made or allowed in any court proceeding or manner whatsoever ;

(iv.) The costs charges and expenses of any proceedings and of the Council and all other parties to any proceedings before the arbitrator shall be in the discretion of the arbitrator who shall have power to award by whom and in what proportions such costs charges and expenses including any part of the fees or remuneration of the arbitrator shall be borne and the arbitrator shall have power to include in the costs charges and expenses of any objector or objectors all costs charges and expenses which in his opinion the said objector or objectors have properly incurred in resisting the assessment In the event of the arbitrator deciding in any case that the costs of the Council should be paid by the objector he shall direct that the amount of such costs shall not exceed the amount which such objector would have been entitled to recover from the Council in case the arbitrator had ordered the Council to pay the costs of the objector :

(v.) The arbitrator may if he think fit direct that the whole or any part of such costs charges and expenses ordered to be paid by an objector or objectors shall be paid in the first instance by the Council and a sum in respect thereof added to the charge apportioned on the lands in respect of which the objection was made or on other lands of such objectors comprised in the award in such proportions as may appear just.

(11.) The arbitrator may at any time state a special case for the opinion of the High Court or any Division thereof with reference to any question of law arising in the course of any proceedings relating to any objections. Special case.

(12.) The Council may from time to time if they think just but subject to the provisions of this Act by resolution amend the assessment so as to include in the assessment as amended any lands by this Act made liable to have an improvement charge placed upon them but not included in the original assessment and may fix and apportion the sums to be charged upon any such lands but any such resolution shall be published and copies thereof shall be served and copies of the amended assessment deposited for public inspection in the manner hereinbefore prescribed with respect to the original resolution and assessment and objections may be made to the resolution and amended assessment in like manner and if made shall be dealt with and determined in like manner as objections to the original assessment. Amendment of Assessment.

(13.) When and so soon as the assessment and any amendment thereof and all objections thereto respectively shall have been disposed of as by this Act directed the arbitrator shall issue an award under his hand which shall be final and conclusive for all purposes. Final award.

A copy of the award shall be published once in the 'London Gazette' and notice of such award shall be served upon the owners or reputed owners lessees or reputed lessees and occupiers of the lands affected thereby.

(14). If no objection as hereinbefore provided be made to the assessment the amount defined by the assessment or the amended assessment (and if an award be made as hereinbefore provided then the amount defined by the award) as the charge in respect of each property shall be a charge and incumbrance thereon and the Council shall cause the same to be registered as a land charge under the 'Land Charges Registration and Searches Act 1888.' Effect of charge.

(15.) The charge in respect of any lands as fixed by the award shall (subject to the following provision) begin to be payable on the first day of April or October as the case may be next ensuing after the completion of the improvement or the date of the award whichever shall last happen and shall be payable thereafter half-yearly until redeemed and satisfied. Incidence of charge.

Provided as follows : Where the lands charged shall have been in the possession of the freeholder at the passing of this Act or at any time between the passing of this Act and the date of the award the charge shall be payable by the freeholder and where the lands charged shall not have been in the possession of the freeholder at the passing of this Act or before the date of the award the Council in framing the assessment or the arbitrator in making the award shall take into consideration all the circumstances of the case and in particular shall consider the several interests in such lands and the time at which they severally expire and may make the commencement of such charge dependent on the expiration of any term of years or other period or on the happening of any event as they shall deem fair and equitable

and may apportion the incidence of such charge as between the freehold and any other estate or interest in the lands during the period of any existing term of years for which the same is held at the date of the award.

Collection of charge.

(16.) The charge due in respect of any property shall be payable to the Council on demand and may be collected on behalf of the Council by such persons as they may appoint for that purpose ;

Where any lands in respect of which a charge is payable are occupied by any person the Council may collect the annual payments due in respect of the charge from such person. But if he be not the person for the time being liable to the payment of the charge or any part thereof then he may deduct from any rent payable by him the charge or any part thereof payable by any other person and any person receiving such rent (if he be not the person liable to pay the charge or any part thereof) may in like manner deduct from any rent payable by him the charge or such part thereof as is payable by any other person so that the proper deduction may in each case be made from the rent paid to the person or persons by whom the charge or any portion thereof is payable ;

In case of default being made in any payment due to the Council in respect of the charge the amount thereof may be recovered in any court of summary jurisdiction and in addition the Council may have and exercise such remedies for recovering the same as are conferred by 'The Conveyancing and Law of Property Act 1881' with regard to the sums payable by way of rent-charge.

Redemption of charge.

(17.) Any owner lessee or occupier of any lands subject to the charge or any other person interested therein may from time to time redeem the same by agreement with the Council and shall be intitled from time to time to redeem the charge upon any lands on payment to the Council of any arrears thereof and of a sum equal to thirty-three times the amount of such charge and from and after such redemption the charge shall be deemed to be satisfied and shall be no longer payable in respect of the said lands and the Council shall give a certificate under their common seal that the said charge is redeemed and satisfied which shall be sufficient evidence thereof ;

As to existing contracts &c.

(18.) Where the incidence of the charge as between any persons interested in the property is regulated or affected by contract or covenant the arbitrator shall have regard to such contract or covenant and this Act shall not be deemed to alter the effect of such contract or covenant;

"Lands" not to include pipes &c.

(19.) The expression 'lands' in this section shall not include any main pipe or apparatus of any company supplying gas or water under the powers of any Act of Parliament or any culvert pipe tube apparatus or wire of any electric lighting or hydraulic company authorised by any Act of Parliament or telephone company acting under a license from the Postmaster General or any estate or interest in land of or belonging to any such company in respect of any such main pipe apparatus culvert tube or wire.

Arbitration Act to apply.

(20.) 'The Arbitration Act 1889' shall subject to the provisions of this section apply to the arbitrator and procedure before him except that the award shall be conclusive and not subject to appeal or review."

Appendix F.

PAPER handed in by Mr. *H. L. Cripps*, 28 May 1894.

In the House of Lords.—Session 1893.

LONDON IMPROVEMENTS.

STATEMENT in Support of the Second Reading. [By the Promoters, the London County Council.]

The opposition to this Bill appears mainly directed to Clause 41.

This Clause is designed to provide for a contribution towards the expense of Street Improvements proposed to be authorised by the Bill in respect of any property which may derive a special increase in value as a result of the Improvement; the contribution taking the form, not of a rate or tax, but of intercepting such proportion of the *increased value created by the public expenditure* (not, however, exceeding one-half) as an Arbitrator, to be appointed by the Local Government Board, may think just.

Thus (as an illustration) if land, now in some back court, happens to be opened up by the Improvement so as to front upon a new or improved street, and if the Arbitrator decide that this has enhanced the value of the land, the owner will derive the whole benefit of one-half of the increase. Assume that land previously worth 1,000*l.* becomes increased in value to 1,200*l.*, the owner may thenceforth have to contribute 3*l.* per annum (which can be redeemed at any time on payment of 100*l.*). Thus he would derive a clear or net benefit of 100*l.* from the public expenditure, or one-half of the profit resulting from that expenditure; while the other half, or 100*l.*, would be intercepted in the form of a contribution charged on the land in relief of the burden falling on the ratepayers by whose money the Improvement was made, and to whose expenditure—not to anything done by the owner of the property—the increased value would be due.

Under several recent Acts of Parliament the Metropolitan Board of Works, as the central authority of the Metropolis, carried out particular Improvements, partly at the expense of the Metropolis at large and partly at the expense of the parish in which the work happened to be situate, and (although in some special cases a similar course has been followed by the Council) it appears to the Council that the arrangement proposed by the present Bill is more equitable than the system adopted in those cases.

In those cases the adoption of a particular geographical area (such as a parish) to form a basis of special taxation for the purpose of an Improvement, led to obvious inconvenience and anomalies, for a contribution was required from *all property within the parish* in which the Improvement was situate, irrespective of whether it was improved, injured, or not affected. In the case of a long narrow parish, such as Lambeth, the ratepayers at one end of the parish might be specially contributing to an Improvement at the other end, six miles distant, from which they would derive no special benefit, while the ratepayers in other parishes immediately adjoining, and deriving special benefit from the Improvement, would pay no special contribution.

In the present case it is not proposed that any special contribution should be required from any parochial area (except in the case of one small and purely parochial Improvement to which the provisions of Clause 41 do not apply), but that property within a defined area in the immediate neighbourhood of the Improvement, specially and incidentally increased in value by the public expenditure, instead of taking the whole of the increased value thus arising, should out of part of the value of such increase make a contribution to the cost of the Improvement.

Where, under the former system, a contribution was provided by the *parish*, the contribution was imposed and collected in the form of a rate calculated on the basis of interest on the capital expenditure together with the annual sums necessary for repayment of principal, the lessees or occupiers paid off the principal as well as interest of money borrowed to effect the Improvement, and the owner would ultimately come into possession

of a property permanently improved in value by the expenditure of his tenants to which he had contributed little or nothing; but this Bill proposes that the contribution shall be a charge upon the property increased in value; the Arbitrator deciding the incidence of the charge, having regard to the various interests in the property and the special circumstances of each case.

There appears to be a general assent to the system proposed; the objections being based only on a doubt as to whether it is possible to solve all the difficulties of detail which surround the subject.

It is suggested by the Notice given by the Earl of Onslow, that a proposal such as is contained in this clause ought not to be embodied in a Private Bill. It is believed that considerable misapprehension prevails as to the scope and extent of the present proposal. But it is submitted that it is one fit for treatment as a matter of private rather than public legislation.

What is proposed does not exceed a modification and improvement of principles already largely recognised in Acts of Parliament. The provisions of this Bill do not alter the general law, but relate only to the particular improvements, and express the mode in which and the conditions subject to which the London Council are prepared in particular cases to expend the public money under their control in works, and consequent compensation.

A similar proposal was submitted to Parliament by the London County Council in the year 1890, and again in the year 1892 in their Private Bills, and on both these occasions the question of whether or not it was a matter to be dealt with by a Private Bill was fully discussed in the House of Commons, and the Bill was in each case allowed to proceed, read a second time, and referred to a Select Committee.

The Committees to whom the Bills were referred, both in 1890 and 1892, rejected the particular proposals then submitted. But the proposal of the present Session has been modified with the view of meeting all the objections urged before those two Committees to the two former plans, and it is believed that the clause in the present Bill will equitably give effect to the principle, which commands at least considerable assent.

As, however, some inaccurate representations on this matter have been largely circulated, it is desirable to deal in some detail with the general effect of the proposal.

Some confusion has been imported into the matter by the suggestion that if a contribution be made out of the increased value of property any persons who may be injuriously affected by the improvement ought to receive some special form of compensation under some special enactment in the Bill. It is submitted that this suggestion—though specious—will not stand examination. Every person whose property may be "injuriously affected" under the Lands Clauses Acts in any public work obtains compensation. This is provided for in the present Bill by the incorporation of the Lands Clauses Acts. Under the system which has hitherto prevailed, if it should happen that a particular property receives any special injury from an improvement, the unfortunate ratepaying occupier of the property is required to contribute, along with the other ratepayers, his full share of the expenditure which, in making the improvement, specially benefits others while it specially injures himself.

It is one of the effects of the present scheme to lessen this unfairness. If the principle be generally applied in the future, a share of the cost of improvements will be provided out of the special enhancement in value which these improvements create in property, and the actual amount to be contributed by any of those ratepayers who may happen to be injured by the work will be *pro tanto* reduced.

Another matter tending to some confusion is the suggestion made that a "Betterment Charge" is unnecessary, as, in a case of enhanced value, the "annual value" of the property increases; that the ratepayer pays more, and that therefore the local authority profits by the improvement in the form of rates.

All who understand the principles of rating for local improvements must see the misconception which underlies this suggestion. The amount levied by the local authority in rates depends not on the value of rateable property, but on the actual legal requirements and legal expenditure of the local authority. A rise in the rateable value of a particular rateable hereditament does not give the local authority an additional income, but merely alters the proportions in which individual ratepayers contribute towards the total sum required. Moreover, rateable value may be totally distinct from the increased value of the land. The land on which a building stands may increase many times in value, while the rateable value of the hereditament as a whole may—at least for some years—stand still or diminish; and, although the value of the land may remain stationary, the rateable value of the hereditament may be increased by the expenditure of the occupier, and circumstances other than an increasing value of the land.

It has been urged (and may be true) that the improvements in the present Bill are not specially favourable as illustrations of the proposal now advocated. But the Council are proceeding only with those improvements which are considered absolutely urgent, and irrespective of any consideration as to whether or not they afford a favourable illustration of the "Betterment Charge" system.

Moreover, these schemes are fair typical examples of the ordinary less important street improvements, and it seems to have been practically admitted, even by the opponents, that, although the actual amount of enhanced value to property in the present case expressed in money might not in the aggregate be very high, yet that there are certainly

certainly particular cases involved in which it is obvious that special enhancement in value may result.

All those who have devoted attention to the question of Local Taxation for works of improvement, from whatever point of view, are agreed that it is anomalous and inequitable. In London especially, as in all towns where long leasehold tenure prevails, the existing system of charging the whole cost of a local improvement on the rated occupier works obvious injustice; and a body constituted as the London County Council has been constituted by Parliament to represent directly the inhabitants and ratepayers of London, is naturally—and must always be—averse to placing any charge on the ratepayers under the existing system which can by any possibility be avoided

Local improvements of an urgent character are consequently delayed, and although the present proposal is quite distinct from any question of the general incidence of Local Taxation, it is submitted that it is a *bonâ fide* and well considered attempt to reduce, in the particular cases now under consideration, the hardship which results from imposing on the present rated occupiers the whole cost of improving the property of other persons. And it is hoped that as the plan is proposed by the elected body directly representing London for Local Government, and has been approved after full discussion by the House of Commons, it may receive favourable consideration by the House of Lords.

As to the argument that this matter should not be dealt with in a Private Bill, it is contended that as the proposal is of local and limited application, it is properly a matter of Private Bill legislation, and this has been assented to in the House of Commons. This is the third recent Session in which the making of street improvements on the same principle as that contained in Clause 41 has been dealt with in a Private Bill. The subject has already been more fully and effectively debated in the House of Commons during this Session than would have been possible had the attempt been made to deal with it by public Bill.

This Bill, like those of 1890 and 1892, has not only been exhaustively debated in the House of Commons, but has been referred to a large specially constituted Committee, by whom it was passed. After it had passed this Committee the opponents challenged further discussion and debate in the House, and the Bill was finally passed by an exceptionally large majority in a well-attended House (216 to 118) on the 26th June.

It is submitted that if the proposal is a reasonable one (and to this proposition most of the London County Council constituencies are committed) it should be carried out in accordance with the present opportunity and under the present procedure, which is simple, practical, and effective, instead of being relegated to the chances of public legislation; and it is further submitted that the suggestion that it should not be dealt with as a matter of private legislation is a mere attempt to shelve the real question on a technical and side issue; for the relegation of this subject to the chances of public legislation would be equivalent to a long and perhaps indefinite postponement.

Appendix G.

PAPER handed in by Mr. *Dickinson*, 12 June 1894.

LIST of Improvements executed by the London County Council and its Predecessors.

Date of Act sanctioning Improvement.	IMPROVEMENT.	Date when Completed or Opened.
1857	Covent Garden Approach (Garrick-street)	March 1861.
	Southwark-street	January 1864.
1858	Victoria Park Approach (Burdett-road)	May 1862.
1862	Victoria Embankment	July 1870.
1863	Mansion House-street (Queen Victoria-street)	November 1871.
1863 and 1864	Albert Embankment	November 1869.
1865	Whitechapel (Commercial-road)	May 1870.
	Holborn (Middle Row)	November 1867.
1866	Kensington (High-street)	October 1869.
1868	Stingo-lane	August 1872.
	Chelsea Embankment	May 1874.
1869	Park-lane (Hamilton-place)	June 1871.
1872	Wapping (High-street)	March 1877.
	Shoreditch (High-street)	October 1877.
	Bethnal Green-road	March 1879.
	Harrow-road	November 1877.
	Newington Butts	July 1877.
	Willow Walk (Great Eastern-street)	October 1876.
	Old-street to Oxford-street { Clerkenwell-road	August 1878.
	Old-street to Oxford-street { Theobald's-road	April 1878.
1873	Charing Cross and Victoria Embankment Approach (Northumberland Avenue).	March 1876.
1876	Sun-street to Worship-street (Appold-street)	July 1879.
1877	Coventry-street Widening	April 1881.
	Gray's Inn-road	March 1884.
	Kentish Town-road	September 1883.
	Islington (near the "Angel")	December 1879.
	Mare-street, Hackney	October 1879.
	Tooley-street	September 1882.
	Jamaica-road	December 1892.
	Union-road, Rotherhithe	April 1880.

Appendix G.—List of Improvements executed by the London County Council, and its Predecessors—*continued.*

Date of Act sanctioning Improvement.	IMPROVEMENT.	Date when Completed or Opened.
1877	Camberwell and Peckham	December 1882.
	Deptford Bridge Approaches	September 1881.
	Southwark Bridge-road to Great Dover-street (Marshalsea-road)	April 1883.
	Piccadilly to Bloomsbury (Shaftesbury Avenue)	June 1886.
	Charing Cross to Tottenham Court-road (Charing Cross-road)	February 1887.
1881	Putney Bridge and Approaches	June 1886.
	Battersea Bridge and Approaches	July 1890.
1882	Tooley-street Extension (Bermondsey-street to Dean-street)	September 1882.
1883	Upper-street, Islington	January 1888.
	Green-street, Bethnal Green	May 1888.
	Little York-street, Bethnal Green	May 1888.
	Tower-hill	November 1887.
	Hammersmith	March 1890.
	Hampstead Improvements	February 1888.
	Star Corner, Bermondsey	February 1887.
	Walworth-road	July 1888.
	South Lambeth-road	November 1886.
1884	Kentish Town-road to Great College-street (Clarence-road)	October 1886.
	Elm-street	November 1888.
	Cotton-street to Preston's-road, Poplar	October 1887.
1885	Gray's Inn-road to St. John Street-road (Rosebery Avenue)	July 1892.
	Woolwich Ferry	March 1889.
1886	Coldharbour-lane	March 1890.
	Victory-place	April 1888.
1887	Canterbury-road Bridge	March 1890.
	Elm-street Widening	November 1888.
1888	Culvert-road Bridge, Battersea	July 1892.
	Bridge over Latchmere-road, Battersea	May 1891.
	Widening of Church-street, Fulham	February 1892.

Appendix (H.)

PAPER handed in by Mr. *Dickinson*, 12 June 1894.

RETURN showing the Rateable Value (net) of each Parish and Union in the County of or thereabouts,

The figures for the years 1830 to 1855 are compiled from the Parliamentary Return, No. 208, of 1858, the printed returns compiled by the Metropolitan Board, the assessments being for the purposes of the County from the official printed list issued under the Valuation Metropolis Act, 1869, the assessments being for the

PARISH OR UNION.	1830. (Poor Rate Assessment.)	1835. (Poor Rate Assessment.)	1840. (Poor Rate Assessment.)	1845. (Poor Rate Assessment.)	1850. (Poor Rate Assessment.)	1855. (Poor Rate Assessment.)	1860. (County Rate Assessment.)
	£.	£.	£.	£.	£.	£.	£.
Bethnal Green	88,472	91,160	99,366	105,560	130,321	148,837	130,320
Camberwell	—	No return.	—	170,093	201,056	231,852	250,000
Chelsea	117,665	119,772	117,125	138,057	166,998	208,927	234,248
Hampstead	32,207	33,508	47,947	54,985	65,618	90,445	104,156
Islington	146,648	163,338	205,390	246,455	329,767	454,675	548,572
Kensington	93,520	99,360	127,600	148,360	197,960	269,400	319,924
Lambeth	277,425	291,045	382,450	424,778	463,576	492,975	637,000
Mile End Old Town	78,784	79,057	102,817	115,159	129,293	158,835	162,388
Paddington	68,046	82,465	132,442	222,615	343,066	447,554	526,420
St. George-in-the-East	137,412	136,678	141,928	142,256	151,343	157,895	170,274
St. Giles and St. George	238,050	229,944	238,810	228,763	232,129	246,326	261,696
St. Marylebone	731,020	760,709	807,716	840,216	861,485	937,701	976,820
St. Pancras	418,389	464,716	528,430	591,296	655,810	739,473	806,640
Shoreditch	146,495	155,928	168,395	196,218	220,279	242,369	265,772
Fulham Union	53,789	59,505	72,678	88,018	102,635	123,348	133,720
Greenwich „	83,440	86,818	143,095	161,840	208,191	232,280	242,970
Hackney „	105,849	114,450	160,614	187,524	220,985	262,853	294,440
Lewisham „	(*a*) 42,010	45,975	80,681	91,090	114,334	144,031	147,200
Poplar „	133,054	135,699	157,874	168,926	196,203	232,685	272,504
St. George's „	574,124	708,460	770,931	826,080	907,109	997,660	(*b*)1,219,616
St. Olave's „	189.642	190,692	200,143	230,127	265,046	289,826	333,220
St. Saviour „	(*c*) 139,102	201,370	209,505	230,580	238,900	244,216	550,000
Stepney „	(*d*) 73,947	(*d*) 77,865	128,093	117,144	137,187	155,265	178,049
Strand „	(*e*) 113,462	(*e*) 110,905	(*e*) 144,433	(*e*) 152,198	(*e*) 153,592	(*e*) 154,542	436,408
Wandsworth „	(*f*) 76,192	128,492	180,331	206,151	244,680	276,676	361,400
Westminster „	(*g*) 163,874	(*g*) 247,410	(*g*) 250,160	319,504	484,000	518,543	522,148
Whitechapel „	(*h*) 65,812	(*h*) 104,546	(*h*) 109,334	(*h*) 106,637	(*h*) 119,853	(*h*) 128,810	252,177
Woolwich „	46,620	47,129	69,254	78,911	101,916	122,929	149,530
Holborn „	478,890	439,840	448,786	459,915	526,585	560,134	596,961
City of London	605,091	669,498	751,891	771,366	794,600	950,467	1,366,830
Incomplete Totals	*5,519,031*	*6,076,334*	*6,778,219*	*7,820,822*	*8,964,517*	*10,221,529*	—
Complete Totals	—	—	—	—	—	—	12,416,123
Percentage of Increase	—	10·09	11·55	15·38	14·62	14·02	21·47
Estimated Amount of increase due to new buildings	No sufficient data.			£. 1,382,048		£. 2,246,496	

Note.—The figures of 1881 and 1886 exclude the value of Government property in some parishes which is included in the figures of 1891. The amount

(*a*) Excluding the parish of Lee, for which there was no return.
(*b*) The close of St. Peter, Westminster (1,420*l.*) is added this year for the first time, and continues included in the totals of St. George's Union.
(*c*) No information supplied by Newington.
(*d*) Excluding Wapping (books missing).
(*e*) Incomplete, books mislaid.

Appendix (H.)

PAPER handed in by Mr. *Dickinson*, 12 June 1894.

London (excluding Penge and the extra-parochial places), at quinquennial periods, from 1830 to 1891.

assessments being for the purposes of the Poor Rate; the years 1860, 1865, 1871, 1876, 1881 and 1886, from Rate in 1860 and 1865 and for the purposes of the Consolidated Rate in 1871, 1876 and 1881; and the year 1891 purposes of the County and Poor Rates.

1865. (County Rate Assessment.)	1871. (Consolidated Rate Assessment.)	1876. (Consolidated Rate Assessment.)	1881. (Consolidated Rate Assessment.)	1886. (Consolidated Rate Assessment.)	1891. (County and Poor Rate Assessment.)	PARISH OR UNION.
£.	£.	£.	£.	£.	£.	
192,116	270,524	316,946	357,854	398,907	425,504	Bethnal Green.
250,000	477,368	560,808	803,413	986,664	1,030,046	Camberwell.
299,868	341,749	370,121	465,353	589,364	689,542	Chelsea.
147,624	263,915	336,498	417,283	560,293	669,765	Hampstead.
777,632	984,041	1,158,468	1,445,226	1,600,366	1,686,385	Islington.
501,132	935,720	1,271,235	1,648,187	1,834,505	1,999,763	Kensington.
637,000	919,015	1,036,945	1,284,862	1,461,540	1,517,810	Lambeth.
191,056	268,042	297,051	335,344	363,357	377,255	Mile End Old Town.
758,344	938,595	1,078,700	1,189,864	1,272,408	1,322,982	Paddington.
196,917	184,175	189,188	199,237	188,940	186,826	St. George-in-the-East.
277,412	307,192	332,602	358,418	382,220	403,587	St. Giles and St. George.
1,053,748	1,158,979	1,304,898	1,383,987	1,424,162	1,510,051	St. Marylebone.
925,872	1,149,817	1,299,913	1,470,627	1,581,823	1,615,915	St. Pancras.
386,044	440,689	491,351	576,782	646,767	678,428	Shoreditch.
171,876	280,703	351,156	545,854	818,583	946,806	Fulham Union.
274,976	401,469	462,268	617,252	722,708	528,396	Greenwich „
370,616	578,804	709,473	942,240	1,090,564	1,154,171	Hackney „
256,220	380,931	469,629	541,306	629,377	672,804	Lewisham „
344,320	447,652	558,486	670,476	712,364	692,705	Poplar „
1,417,388	1,862,045	2,023,777	2,277,929	2,426,148	2,612,110	St. George's „
344,200	576,308	640,805	775,330	799,224	846,682	St. Olave's „
550,000	724,345	837,994	939,853	1,035,521	1,080,190	St. Saviour „
234,608	256,163	287,608	318,469	309,514	295,248	Stepney „
455,917	553,066	639,062	700,441	818,030	908,417	Strand „
361,400	694,815	876,639	1,183,278	1,507,659	1,813,346	Wandsworth „
522,148	533,041	673,366	785,466	814,732	879,628	Westminster „
276,530	314,345	346,667	369,824	375,955	403,282	Whitechapel „
194,240	211,972	257,053	279,847	327,222	481,200	Woolwich „
656,705	753,076	821,615	935,446	1,011,319	1,094,521	Holborn „
2,142,801	2,538,527	3,010,600	3,535,494	3,753,957	4,100,798	City of London.
—	—	—	—	—	—	*Incomplete Totals.*
15,208,967	19,842,851	23,197,766	27,366,975	30,456,036	32,943,063	Complete Totals.
22·49	30·46	16·90	17·97	11·28	8·16	Percentage of Increase.
3,312,155		1,643,163	2,546,947	2,405,753	1,311,751	Estimated Amount of increase due to new buildings.

does not materially affect the totals of any of the parishes or unions except in the cases of St. George's Union and Woolwich Union.

(*f*) Complete books mislaid. (*g*) Excluding St. Anne Soho. (*h*) Incomplete, books mislaid.

APPENDIX I.

PAPER handed in by Mr. *Baumann*, 14 June 1894.

TABLES put in before Committee on London Improvements Bill, showing effect of Recoupment Principle in cases of Metropolitan Improvements.

1.—CASES of Formation of New Thoroughfares.

Date of Act sanctioning the Improvement.	IMPROVEMENT.	Amount paid for Compensation.	Value of Surplus Land.	Net Cost of Property.
		£.	£.	£.
1857	Covent Garden Approach (Garrick-street)	106,691	89,072	17,619
„	Southwark-street	476,238	218,860	257,378
1858	Victoria Park Approach (Burdett-road)	30,408	9,945	20,463
1863	Mansion House-street (Queen Victoria-street	2,055,408	1,224,233	831,175
1865	Whitechapel (Commercial-road)	205,869	42,270	163,599
1872	Willow Walk (Great Eastern-street)	367,487	178,990	188,495
1873	Charing Cross and Victoria Embankment Approach (Northumberland Avenue.)	658,646	831,310	172,664 (surplus.)
1877	Southwark Bridge-road (Marshalsea-road)	125,928	17,413	108,515
1883	South Lambeth-road	17,928	7,755	10,173
1884	Kentish Town-road to Great College-street (Clarence-road)	6,382	3,500	2,882
	TOTALS £.	4,050,985	2,623,348	1,427,637

2.—CASES of Simple Street Widenings.

1865	Holborn (Middle-row)	68,927	—	68,927
1866	Kensington (High-street)	164,963	60,520	104,443
1869	Park-lane (Hamilton-place)	109,288	33,456	75,832
1872	Wapping (High-street)	197,333	37,187	160,146
„	Shoreditch (High-street)	184,184	89,887	94,297
„	Harrow-road	165,866	62,380	103,486
„	Newington-butts	10,123	1,566	8,557
1877	Coventry-street Widening	170,845	85,880	84,965
„	Gray's Inn-road (including Elm-street, 1884 and 1887)	423,413	84,421	338,992
„	Kentish Town-road	101,861	26,695	75,166
„	Islington ("Angel")	32,159	10,359	21,800
„	Mare-street, Hackney	54,175	24,340	29,835
„	Tooley-street	399,262	77,108	322,154
„	Jamaica road	80,386	17,578	62,808
„	Camberwell and Peckham	508,924	155,226	353,698
„	Deptford-bridge Approaches	120,144	26,889	93,255
1882	Tooley-street Extension (Bermondsey-street to Dean-street)	68,673	45,388	23,285
1883	Upper-street, Islington	222,589	54,643	167,946
„	Green-street, Bethnal Green	57,187	11,832	45,355
„	Little York-street, Bethnal Green	1,903	—	1,903
„	Tower-hill	65,465	—	65,465
„	Hammersmith	43,688	12,480	31,208
„	Star-corner, Bermondsey	99,823	7,033	92,790
„	Walworth-road	60,183	12,158	48,025
	TOTALS £.	3,411,364	937,026	2,474,338

3.—CASES which include New Thoroughfares and Street Widenings in One Improvement.

1872	Bethnal Green-road	247,501	98,673	148,828
„	Old-street to Oxford-street (Clerkenwell-road and Theobald's-road)	950,935	284,338	666,597
1877	Piccadilly to Bloomsbury (Shaftesbury-avenue)	1,004,990	377,569	627,421
„	Charing-cross to Tottenham Court-road (Charing-road)	690,913	180,739	510,174
	TOTALS £.	2,894,339	941,319	1,953,020

Appendix K.

PAPER handed in by Mr. *R. Adams*, 19 June 1894.

Excerpt from Accompt of "The Receipt and Expenditure of the Commissioners for the City Improvements, for the Year from 9 July 1833 to 9 July 1834.

The Charge.

	£.	s.	d.	£.	s.	d.
I.—Assessments under 7 & 8 George IV., p. Appendix No. :—						
1. Arrears and Assessments under the Act 7 & 8 George IV.:						
Sum of Arrears recovered						1,339 6 2¼
7. Amount of Assessments for the year from Whitsunday 1833 to Whitsunday 1834, payable at Martinmas 1833, per Surveyor's Rent Roll, of—						
1.	332,048	At 1½ per cent.		4,980	14 4⅛	
2.	65,246	At 2½ „		1,631	3 3	
3.	27,045	At 1 „		270	9 –	
4.	12,849	At 2 „		256	19 7½	
5.	498	At 10 „		49	16 –	
Sum £.	437,686			7,189	2 3	
9 July 1834.—By recovered of Assessment				5,513	3 6½	5,513 3 6½
Balance in arrear to debit of collector in next year's account £.				1,675	18 9½	
			£.			6,852 9 8¾
II.—Assessments under the Acts 1 & 2, & 4 Will. IV. :—						
1. Arrears of Assessments:						
Sum of Arrears recovered						1,014 3 8¾
3. Amount of Assessments for the year from Whitsunday 1833 to Whitsunday 1834, payable at Martinmas 1833, per Surveyor's Rent Roll, of—						
1.	329,905	At 1½ per cent.		4,948	10 3$\frac{6}{10}$	
	67,393	At 2 „		1,347	17 4$\frac{8}{10}$	
	27,041	At 1 „		270	8 2$\frac{4}{10}$	
	12,853	At 1½ „		192	15 10$\frac{8}{10}$	
Sum £.	437,192			6,759	11 9	
9 July 1834.—By recovered of Assessments				5,266	16 5½	5,266 16 5½
Balance in Arrear to Debit of collector in next year's Account £.				1,492	15 3½	
			£.			6,281 – 2¼

Appendix L.

PAPER handed in by Mr. *T. B. Westacott*, 19 June 1894.

KENTISH TOWN ROAD IMPROVEMENT.

Situation of Property.	Gross Value at Date of Bill, 1877.	Gross Value at Quinquennial Valuation, 1880.	Gross Value at Quinquennial Valuation, 1885.	Gross Value at Quinquennial Valuation, 1890.	Gross Value at Present Time.
	£.	£.	£.	£.	£.
65, Kentish Town-road	170	230	230	230	235
67, Kentish Town-road	60	60	60	60	60
69, Kentish Town-road	60	55	55	55	55
71, Kentish Town-road	55	55	60	60	60
73, Kentish Town-road	52	55	55	55	55
75, Kentish Town-road	52	60	60	50	50
77, Kentish Town-road	50	55	57	57	57
79, Kentish Town-road	60	60	66	60	60
81, Kentish Town-road	66	66	66	66	66
83, Kentish Town-road	48	50	57	57	57
85, Kentish Town-road	57	57	57	57	57
87, Kentish Town road	55	55	57	57	57
91, Kentish Town road	52	60	60	50	50
93, Kentish Town-road	52	52	66	66	66
95, Kentish Town-road	52	55	66	66	66
97, Kentish Town road	48	57	57	57	57
99, Kentish Town-road	180	200	200	190	190
99A, Kentish Town-road	63	63	63	63	63
101, Kentish Town-road	55	55	55	55	55
103, Kentish Town-road	55	55	55	55	55
105, Kentish Town-road	50	50	50	50	50
107, Kentish Town-road	60	50	55	55	55
109, Kentish Town-road	36	40	40	65	65
111, Kentish Town-road	52	52	77	77	77
113, Kentish Town-road	50	50	73	73	73
115, Kentish Town-road	52	52	73	73	73
117, Kentish Town-road	52	52	73	73	73
119, Kentish Town-road	38	40	42	42	42
121, Kentish Town road	40	40	40	40	40
123, Kentish Town-road	42	50	46	50	42
125, Kentish Town road	38	38	40	40	40
127, Kentish Town-road	49	50	55	45	45
129, Kentish Town-road	66	66	66	55	55
				55	55
131, Kentish Town-road	47	47	47		
133, Kentish Town-road	44	44	44	44	44
135, Kentish Town-road	48	50	50	50	44
137, Kentish Town-road	24	24	24	24	24
139, Kentish Town-road	22	22	24	28	28
141, Kentish Town-road	50	100	110	110	110
143, Kentish Town-road	66	80	88	77	77
145, Kentish Town-road	82	88	88	75	75
147, Kentish Town-road	230	250	250	280	280
149, Kentish Town-road	121	121	132	115	115
					94
151, Kentish Town-road	92	92	94	94	
153, Kentish Town-road	94	94	103	104	90
155, Kentish Town-road	88	88	88	88	70
157, Kentish Town-road	94	106	94	94	94
159, Kentish Town-road	95	95	96	96	96
161, Kentish Town-road	95	95	96	115	115
159A, Kentish Town-road	95	95	96	96	96
£.	3,354	3,576	3,756	3,749	3,708

KENTISH TOWN ROAD IMPROVEMENT.

Situation of Property.	Gross Value at Date of Bill, 1877.	Gross Value at Quinquennial Valuation, 1880.	Gross Value at Quinquennial Valuation, 1885.	Gross Value at Quinquennial Valuation, 1890.	Gross Value at Present Time.
	£.	£.	£.	£.	£.
2, Clarence-road	35	37	37	37	37
4, Clarence-road	33	33	33	33	33
6, Clarence-road	30	36	36	39	39
8, Clarence-road	30	30	30	30	30
10, Clarence-road	32	32	30	30	30
12, Clarence-road	26	28	28	28	28
14, Clarence-road	26	26	26	26	26
16, Clarence-road	26	26	26	26	26
18, Clarence-road	32	32	32	32	30
1, Clarence-road	29	30	30	30	30
3, Clarence-road	26	26	26	26	26
5, Clarence-road	27	28	28	28	28
7, Clarence-road	26	26	33	28	28
9, Clarence-road	36	36	36	36	36
11, Clarence-road	32	34	32	30	30
13, Clarence-road	28	29	29	29	29
15, Clarence-road	34	34	34	34	34
17, Clarence-road	35	40	36	36	36
£.	543	563	562	558	556

KENTISH TOWN ROAD IMPROVEMENT.

Situation of Property.	Gross Value at Date of Bill, 1877.	Gross Value at Quinquennial Valuation, 1880.	Gross Value at Quinquennial Valuation, 1885.	Gross Value at Quinquennial Valuation, 1890.	Gross Value at Present Time.
	£.	£.	£.	£.	£
1, Castle-road	30	35	44	44	44
3, Castle-road	32	37	44	48	48
5, Castle-road	35	39	40	40	40
7, Castle-road	40	40	40	40	40
9, Castle-road	36	40	40	40	40
11, Castle-road	36	40	40	40	40
13, Castle-road	38	40	40	40	40
15, Castle-road	38	38	38	38	38
17, Castle-road	36	40	40	40	40
19, Castle-road	38	40	40	40	40
2, Castle-road	45	45	48	48	48
4, Castle-road	36	40	40	40	40
6, Castle-road	36	36	36	36	36
8, Castle-road	39	39	45	45	42
10, Castle-road	45	45	45	42	42
12, Castle-road	45	45	45	40	40
14, Castle-road	45	45	45	41	41
16, Castle-road	45	45	45	39	39
18, Castle-road	30	38	38	38	38
20, Castle-road	38	40	42	42	42
£.	763	807	835	821	818

Appendix M.

PAPER handed in by Mr. *T. B. Westacott,* 19th June 1894.

TOWER BRIDGE APPROACH.

	£.
If betterment works out as by estimate, 3 per cent. on half of 18,000*l.*	270 a year.
If one-third deferred for 43 years	180 „
If the Council purchase the property which they say will be bettered at the fair value, it will cost them 88,000*l.*, being 20 years' purchase on 4,400*l.* a year, the present value of the 43 properties:	£.
They would receive in rents yearly	4,400
The additional rent owing to betterment, 5 per cent. on 18,000*l.*	900
	5,300
Three per cent. on 88,000*l.*	2,640
Annual Profit £.	2,660
If one-third is deferred for 43 years they would receive the same rents	4,400
The additional rent would then be 5 per cent. on 12,000*l.*	600
	5,000
Three per cent. on 88,000*l.*	2,640
Annual Profit for first 43 Years £.	2,360

Appendix N.

Association of Municipal Corporations.

Minutes of the Proceedings and Resolutions of the Meeting of the Council, held at the Westminster Palace Hotel on Thursday, 14th June 1894.

Present—

Sir Albert Kaye Rollit, LL.D., M.P. (President), in the Chair.

Abingdon	Mr. Alderman Shepherd. The Town Clerk.
Barrow-in-Furness	The Mayor. The Town Clerk.
Bath	The Town Clerk.
Birmingham	The Town Clerk.
Blackburn	Mr. Alderman Whiteley, M.P. The Town Clerk.
Blackpool	The Mayor. The Town Clerk.
Bridgnorth	The Town Clerk.
Brighton	The Town Clerk.
Cambridge	The Town Clerk.
Cardiff	Mr. W. J. Board.
Cheltenham	The Town Clerk.
Crewe	The Mayor. Mr. Walter McLaren, M.P. The Town Clerk.
Dewsbury	Mr. Alderman Richards.
Dover	The Town Clerk.
Eastbourne	The Mayor. The Town Clerk.
Exeter	The Mayor. The Town Clerk.
Folkestone	Mr. Councillor Penfold.
Heywood	Mr. Alderman Cronshaw. Mr. Alderman Healey.
Huddersfield	The Town Clerk.
Hull	The Town Clerk.
Leeds	Mr. Alderman Boothroyd. The Town Clerk.
Leicester	The Town Clerk.
Liverpool	The Deputy Town Clerk.
Longton	The Town Clerk.
Luton	The Mayor. The Deputy Mayor. The Town Clerk.
Macclesfield	The Town Clerk.
Maidenhead	The Town Clerk.
Manchester	The Town Clerk.
Newcastle-upon-Tyne	The Town Clerk.
Norwich	The Town Clerk.
Nottingham	The Town Clerk.
Oldham	The Mayor. Mr. Alderman Emmot. Mr. Alderman Hood. The Town Clerk.
Peterborough	Mr. A. C. Morton, M.P.
Reading	The Mayor. The Town Clerk.
Rochester	Mr. Councillor Essell.
St. Helens	The Town Clerk.

Salford	The Ex-Mayor. The Town Clerk.
Shrewsbury	The Town Clerk.
Southampton	The Sheriff. The Town Clerk.
Southport	The Deputy Mayor. Mr. Alderman Griffiths. The Town Clerk.
Stockton-on-Tees	Mr. Alderman Richardson, M.P.
Stoke-upon-Trent	The Town Clerk.
Swansea	The Mayor. The Town Clerk.
Tunbridge Wells	The Mayor. The Town Clerk.
Warrington	The Mayor. The Town Clerk.
Wisbech	Mr. Councillor Farrow.
Wolverhampton	The Mayor. The Town Clerk.
York	The Town Clerk.

Burnley - - - The Mayor and Town Clerk were also present.

Betterment and Ground Values.

The President stated that the Special Committee to whom this question was referred had fully considered the matter and had prepared the following Report :—

Report of the Special Committee.

Your Committee have under consideration the following resolution of the Council —

That a Special Committee be appointed to consider and report as to the practical application of the principle of betterment, and the taxation of ground values.

That the Committee consist of representatives from the following towns :—Birmingham, Blackburn, Blackpool, Cambridge, Crewe, Dewsbury, Dover, Eastbourne, Huddersfield, Hull, Keighley, Leeds, Liverpool, Longton, Macclesfield, Manchester, Morley, Newcastle-upon-Tyne, Nottingham, Reading, Rochester, St. Helen's, Southport, Tunbridge Wells, Wolverhampton, and (appointed in accordance with the power conferred on the Committee), Burnley, Harrowgate, and Sunderland.

The accompanying majority and minority reports* have been under the consideration of the Committee, and they have adopted the following resolution :—

That the Committee recommends the Association to receive both reports of the Committee as ably representing the arguments for and against betterment, and to adopt that of the majority as indicating the possibility of practically and beneficially applying the principle on just and equitable lines; but the Committee feel that there is still much to be learned from actual experience, and they therefore make their recommendation tentatively, and with the object of the municipalities gradually building up an approximately perfect system (as has been the case with so much legislation affecting the various localities of the country), from the comparative views, work, and experience of different districts.

That the question of the taxing of ground values be reserved for further consideration.

Moved by the Mayor of Crewe, and seconded by the Town Clerk of Dover,

That the report be received and adopted.

Amendment moved by the Town Clerk of Hull, and seconded by the Ex-Mayor of Salford,

That the consideration of the Report be postponed to the next meeting of the Council.

After discussion and division, the amendment was carried, 25 voting in favour of the amendment and 11 against.

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* [Prints of the Reports accompany these Minutes.]

The

The Reports referred to above are as follows, viz. ;—

(A.)

MAJORITY REPORT.

ASSOCIATION OF MUNICIPAL CORPORATIONS.

BETTERMENT.

REPORT prepared by the Mayor of Crewe.

WHERE improvements are effected at the public cost which substantially and permanently increase in value any particular property, such increased value, or a portion of it, should be secured to the public authority by whose outlay the increased value is created. This is, in broad and general terms, a definition of the principle of betterment. To take an example, which has been mentioned by a member of this Committee, the town council of a borough in the south of England have recently, at a considerable cost, purchased and demolished one side of each of two narrow streets, and have converted them into broad thoroughfares. In addition to the general benefit in the way of traffic facilities which this improvement has conferred on all the members of the community, the individual owners of most, if not all, of the property fronting to the other sides of these widened streets, have received a special benefit, inasmuch as their property has been greatly enhanced in value. Those who believe in the principle of betterment, say, in a case of this kind, that in addition to the general contribution by way of rate levied on all the inhabitants, the individual owners so benefited ought, in consideration of their special benefit, to make a special contribution to the funds of the public authority, and ought not to appropriate the whole of the enhanced value. To this general proposition almost everyone assents, but as to the proper machinery for carrying the principle of betterment into effect, there is a very wide diversity of opinion. It is as to this practical application of the principle of betterment that we have to report.

Several schemes for carrying out this principle have been suggested by members of this Committee, but as the mere outlines have only been given, it is thought that, in the absence of the detail so absolutely essential in a case of this kind, no useful purpose would be served by reporting on them. One at least of such schemes will, we understand, be brought before the Council of the Association in a separate report.

However, in the Tower Bridge Southern Approach Bill, and in the Manchester Corporation Bill now before Parliament, this abstract principle of betterment has been reduced to concrete form, and we accordingly propose to deal with the betterment provisions of these Bills (which are practically identical), and with the objections which have been raised to them.

We may say, by way of preface, that the London County Council have in previous years introduced Bills to Parliament in which betterment clauses have been inserted. These clauses have been extensively criticised in the Press, and have gone through the ordeal of a powerful opposition before Committees of the House of Commons. The betterment clauses in the present Bill have been carefully and deliberately framed in view of the experience so gained, so that, whatever their demerits, they are no crude, hastily considered, or badly drafted proposals. The two Bills referred to have both passed the second reading of the House of Commons without a division, and, with certain amendments not affecting the principle of betterment, have now passed the Committee stage. These betterment clauses have the support of a large majority of the London County Council, and practically the unanimous support of the Manchester Corporation. In the House of Commons they have the support of men of all parties, including Sir William Harcourt, Mr. Balfour, and Mr. Chamberlain. We mention these facts, not as any reason why this Association should support these proposals, but only to show that they are approved by eminent and intelligent men who have studied the question, that they are not the absurd or revolutionary proposals which some critics would have us believe, and that they should not be dismissed or disapproved by this Association except upon very careful and impartial consideration.

I.—AS TO THE BETTERMENT PROVISIONS IN THE BILLS ABOVE REFERRED TO.

In the plans accompanying the Bills, an area is defined which may be called "An Area of Enquiry as to Betterment." Most of the adverse criticism of the Bills arises from a misunderstanding as to the meaning and object of this area, and it is very desirable, therefore, that this point should be properly understood. It is not an area within which every property is to be specially charged, but an area within which there shall be an inquiry as to whether or not any particular property has been benefited by the improve-

ment. The limits of this area will have to be stated in their plans by the Council applying for the Bill, and, as part of the Bill, must, of course, be approved by Parliament. The necessity for this defined area arises solely from the Standing Orders of the Houses of Parliament relating to private Bill legislation, which require that a separate notice should be given to every individual interest affected by a private Bill, so as to afford the person affected the opportunity of appearing and being heard in opposition. The boundary of this area will vary in each particular case according to circumstances, but it should no doubt be wide enough to include every property which may be specially benefited by the improvement. It is obvious that wherever the limits are placed there are certain to be properties within it which are not benefited; but, in view of the fact that it is simply an area of enquiry, and not an area of taxation, this is unimportant. Within the area so defined as aforesaid, any property not taken by the Council is liable to be charged in respect of any substantial and permanent increase in value which it is clearly shown has been or may be derived from the improvement.

The course of procedure to fix the charge (if any) to be paid by the owner is as follows:—Before the improvement is commenced, some independent person is appointed by the Local Government Board to make a valuation of such property in the area as shall be specified by the Council, such valuation to be independent of the improvement, and as if it it had not been contemplated. The object of this valuation is, of course, to obtain and record evidence of the value of the property before the improvement. After the improvement is carried out (but not later than seven years from the passing of the Act), the Council is to make an assessment on such of the properties comprised in the valuation as they consider to have been enhanced in value. This assessment is to contain a statement of the amount of such enhanced value, and the charge to be placed on the property is 3 per cent. upon one half of this amount. If, for example, the estimated enhanced value is 1,000*l.*, the betterment charge would be 3 per cent. on 500*l.*, *i.e.*, 15*l.* per annum. Under subsequent provisions, this Betterment charge may be redeemed at any time, so that if the owner prefers to pay his 500*l.* down he can do so. If he prefers to postpone payment of the amount due, he is charged until payment the moderate interest of 3 per cent. on the capital sum due from him. The assessment above-mentioned is to be advertised in the newspapers, and served on the parties interested. If any owner objects to the assessment in his particular case, he is to give notice to the Council of his objection. The Council may accept the objection, and alter the assessment in his particular case, but failing an agreement, the Council applies to the Local Government Board to appoint an arbitrator to decide the dispute, The decision of this arbitrator is final, but he may state a special case to the High Court on any question of law. The arbitrator is to consider the different interests in the property, and is to apportion the charge between the freeholder and the owners of any other interests in the property as he may think just, having regard to existing contracts. The charge is to be collected from the occupier of the property, but if he is not the proper party to pay it, he may deduct it from the rent payable by him to his landlord in the same way that property tax is deducted.

There are a number of subsidiary provisions, but we believe the above gives a fairly accurate outline of the Betterment clauses as they at present stand. To the municipality and to the ratepayers generally the advantages of these clauses are obvious. They intercept, on its way to the owner of property benefited by the improvement, one-half of the value which he derives from it. To this owner there is no injustice, as he still obtains as a gift from the public, and as an addition to the existing value of his property, of one half of the enhanced value, while to the general ratepayer there is the advantage that the cost of the improvement is materially lightened. Briefly, these Betterment clauses are a method to take a portion of the profit of the few who are specially benefited to lessen the burden of the many who receive no special benefit. Naturally enough, the few prefer the present system, which allows them to take the whole profit of the improvement, and, represented by able counsel, they have strenuously opposed these Bills in Committee.

It may be taken for granted that no Bill was ever introduced into Parliament against the passing of which some reason could not be adduced. These Betterment provisions are no exception to the rule; but, while we admit the ability and plausibility of the opposing arguments, yet we venture to think that the weight of argument is strongly in favour of the provisions.

II.—As to the Objections to the Betterment Proposals.

(1.) It has been urged that under the existing law the owner of an improved property pays a betterment charge. It is said that if by reason of a public improvement a given property rises in value from, say 100*l.* to 200*l.* a year, the rating assessment of the owner will rise also, and that the increased rate thus paid in respect of the property is a sufficient contribution to the cost of the improvement. With this proposition we do not agree, and we think that a slight consideration will show that it is fallacious. All property is liable to be rated in any event, and all rates are simply a payment by the individual for definite services (such as sewering, lighting, watching, paving, &c.), rendered to him in common with all other members of the community. In other words, payment of a general rate is a payment for general services rendered, and in no sense can it be considered as a payment for special benefits such as are contemplated in the Betterment proposals. To take

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an example, we cannot agree that when by the expenditure of public money a property is raised in value from 100*l.* to 200*l.* a year, that the extra rate paid by the tenant of the property is a sufficient contribution from the owner in respect of the 100*l.* a year which the improvement has placed in his pocket. Argument may obscure, but it cannot alter, the fact that such owner gains a 100*l.* a year, and the betterment proposal is that one-half of the gain should go towards the opening of a new street, a plot of land which had formerly an agricultural value, say, 100*l.*, becomes available for building purposes, and is sold for 500*l.* to a purchaser who erects a house on it. The vendor has put into his pocket 400*l.* created by public outlay, and we think it clear that the rate which the purchaser pays on the house which he erects on the land is in no way a Betterment contribution by the benefited vendor. We consider that the payment of increased rates by the tenant can in no way be considerod a Betterment contribution by the owner, and, therefore, that in asking for such a contribution from the owner, he is not being "taxed twice over" as alleged.

(2.) Another prominent objection is stated by the opponents of Betterment somewhat as follows :—"It is true that a public improvement benefits some property and increases its value, but it is also true that, by reason of the diversion of traffic into the improved street or like causes, other property is damaged and decreased in value. If, therefore, you are going to make people pay for 'Betterment' it is a necessary corollary to the proposition that you should pay others for 'worsement.' Your Bill contains no provision for payment for worsement, and therefore we object to it." At first sight this appears to be a very good objection, but it vanishes on a closer and more careful inspection. In the first place it should be clearly understood that by Sect. 68 of the Land Clauses Consolidation Act, any person affected by the execution of the works is entitled to compensation for any damage he may sustain thereby. Thus, for example, if the level of a street were raised, and a property fronting to it is thereby damaged, it is clear that, under the present law, the owner could obtain compensation. The contention of the objectors, if carried to its logical conclusion, is that compensation should be given, not merely to owners who have had the property damaged by the carrying out the works, but to owners in adjoining streets, who allege that by the diversion of traffic to the new street their property has been depreciated. Let it granted that it occasionally happens that property in a street adjoining an improvement is depreciated by the diversion of traffic. This evil, if it be one, is an evil which exists under the present system. Does anyone seriously propose at the present time that the owner of property depreciated by alteration of traffic should be compensated? We believe that no one acquainted with municipal work would ever make such an impracticable proposal. As we have said, this grievance, if it be one, exists at the present time, and from the fact that no legislation has ever been proposed to remedy what we are told is a crying evil, we conclude that this class of depreciated property owners is by no means so numerous, nor are their grievances so great as the opponents of the Bills would have us believe. It should also be borne in mind that, at the present time, such an owner not only has his property depreciated, but in his rate he has to contribute to the full cost of the public improvement which injuriously affects him. By the application of the Betterment principle, at any rate a portion of this burden will be taken from him and placed on the shoulders of his more fortunate neighbour. Whatever, therefore, the Betterment principle may do, it will, at any rate, improve the present value of the depreciated property owner. Moreover, even granting that this depreciated property owner has a grievance, this is no reason whatever why a totally distinct grievance, viz., that improved property owners do not contribute to the cost of the improvement which enriches them, should not be at once remedied. We do not think, however, that any depreciated property owner has a grievance which is not met by the existing law. If his property is injuriously affected by the works he can get compensation, and to compensate for mere change of traffic is impracticable, as, indeed, most of those who bring forward the objection admit. If it were a reasonable, necessary, and practical proposal, it ought to have been introduced into every Improvement Act which has ever been passed. We believe that the proposal is as unnecessary as it is impracticable, and we fail to see in it any reason for not attacking a grievance vastly greater, and which is certainly capable of remedy.

(3.) A number of cases have been stated to us where the effect of a public improvement has not been to better the adjoining property. That cases of this kind happen, is of course known to us all, but we fail to see that this affects the question in any way. It it were proposed to charge all the property in a given area, this objection would certainly have weight, but as it is only proposed to charge those properties in the area which are "substantially and permanently increased in value" it falls to the ground.

(4.) It is said that under these clauses it is proposed to put a permanent charge on the land for what may be a temporary and evanescent improvement. If it be granted that it is just that an owner whose property is enhanced in value 1,000*l.* by a public improvement should pay 500*l.* towards the cost of it, it is surely no hardship if, for his own convenience, the payment is postponed, and he is charged 3 per cent. interest in the meantime.

(5.) It is said that the cost of assessing the charge will be out of all proportion to the benefits to be received from it, and figures are given showing the estimated costs of an arbitration over each assessment. All this is based on the assumption of the very

improbable fact that all the assessments of the council will be appeal against. We say, however, that appeals against the ordinary rating assessments form a very small percentage of the whole, and even in compulsory purchases under the Lands Clauses Act, it is not one case in 20 that goes to arbitration. We have some ground, therefore, for thinking that appeals to the arbitrator will not be a common occurrence, that that the assessment to the authority will not be excessive.

(6.) It is said that the Betterment charge will be uncertain and arbitrary, and at the best will be a mere guess on the part of the valuer. We do not think it is impracticable or even difficult for a competent valuer to fix the value (*i.e.*, what it is likely to fetch in the market) of any given property. This is done by valuers every day, with every kind of property, and for various purposes. The difference between the value before the improvement, and the value after, is to form the basis of the Betterment charge, and we do not think the valuer will have any great difficulty in arriving at it. The mental process which every valuer goes through may be called "guessing," but it does not alter the fact that the guesses of a valuer are reasonably and approximately correct, and that ordinary rating assessments are, at present, fixed by exactly the same method.

(7.) It is urged that municipal authorities have an easy method of securing the Betterment, by what is known as "Recoupment," *i.e.*, by purchasing more land than they actually require, and then by its sale after the improvement is completed, recouping themselves for its cost. This scheme has been tried, and has, generally speaking, failed; the reason being that in buying the extra property the municipality has to pay not only for land and property which they can sell again, but also for compensation for disturbed trades and businesses, for which there is no return.

(8.) It is said that the Betterment principle places an undue opportunity for jobbery in the way of the members of the Council, and that a member may bribe them to under-assess his particular property. The possibility of jobbery is bound to exist in many departments of municipal work, but we think we have reason to hope that the actual crime is of rare occurrence. It is unlikely that any owner could bribe or influence the majority of the members of a Council to under-assess him; and as the assessment is publicly advertised, any unfair dealings would immediately come before the public eye. The ordinary assessment for rating purposes is financially much more important than betterment assessment will be, and as one seldom, if ever, hears of jobbery in the one, we have reasonable hope for its absence in the other.

(9.) It is objected that the principle of Betterment is a new-fangled one. Even if this were true, it is clearly no good objection in itsef. If the principle is just and equitable, if its application is expedient and practicable, it should become law whether there is any precedent for it or not. It is, however, by no means a new principle. In the Statute 13 and 14 Charles II., cap. 2 (which authorised certain street improvements in the City of London), after reciting that "the houses that shall remain standing on the other side of the said street or streets, or behind the said houses that shall be so pulled down as aforesaid, will receive much advantage in the value of their rents by the liberty of air and free recourse for trade and other conveniences," it is enacted that "in case the owners and occupiers do not agree and compound with the commissioners for the same, that a jury shall be empanelled to judge and assess upon the owners and occupiers of such houses such competent sum or sums of money or annual rent in consideration of such improvement as in reason and conscience they shall judge and think fit." The principle of Betterment was thus recognised as a just one over 200 years ago, and has in various forms been embodied in subsequent legislation. One of the latest examples is to be found in the Housing of the Working Classes Act, 1890 (53 & 54 Vict. cap. 70) sect. 38, which provides that where any building stops ventilation to other buildings, so as to make the latter injurious to health, such obstructive building may be acquired and demolished, and where such demolition adds to the value of the adjoining property, a special charge may be laid on such property by way of improvement rate. *See* also Section 41 (2 b.) of the same Act, which provides that in settling the amount of compensation to be paid for property taken for the purposes of the Act, the arbitrator is to have regard to any increased value given to other property of the same owner by the alteration. While we do not consider the question of precedent an important one, we are nevertheless satisfied that the principle of Betterment has been frequently embodied in enactments of the Legislature.

There are numerous other minor objections and difficulties which we have considered, but which would take too much space to deal with in detail.

It would, of course, be impossible to devise any plan of dealing with this Betterment principle which would not be open to some real objection, and it is certainly hopeless to expect that any scheme could be propounded which would not be capable of being represented by clever opponents as fraught with numerous more or less imaginary perils. We do not say that the Betterment proposals in the Bills now before Parliament are perfect, or that their working will be attended with no difficulty. We do say, however, that they are fair and reasonable proposals for carrying into practical application that principle of betterment in which most of us believe. In the smaller towns especially, really necessary public improvements are often barred by the cost, and as the adoption of the Betterment principle seems to us the means of lightening the general burden without doing

doing injustice to anyone, we believe that it will be an important aid to municipal progress and development. The London and Manchester proposals are the only concrete form in which the Betterment principle has been expressed, and we consider that it will be a matter for regret if they do not pass into law. It has been the practice of this association to encourage reasonable experiments in municipal government, and even to take no higher ground than this, we think the influence of the association should be exerted to secure the passing of these Bills. It is through knowledge gained by experiment that most of our municipal progress has been made in the past, and it must be so in the future. These are not public Bills, which, if passed, will bind all municipalities; they are private Bills affecting only particular corporations, whose example in their betterment proposals we may either follow or avoid according as the result of their experiment indicates. Should these clauses work well, as we believe they will, they may (grafted, perhaps, on to powers for the more easy compulsory acquisition of land for municipal purposes) be the foundation of some future Act of Parliament applicable to the country as a whole. On their own merits, however, and as a practical application of the principle of Betterment, we commend them to the general approval of the council of this association.

(B.)

Minority Report.

Association of Municipal Corporations.

Report prepared by Mr. Clare, the Deputy Town Clerk of Liverpool.

Betterment.

At the commencement of their inquiry into this subject, the Committee have been met by the difficulty of ascertaining exactly what is meant by the term "betterment."

As far as can be gathered from the speeches and evidence of those who advocate "Betterment," the general principle seems to be that where a street improvement is carried out at the public expense, which has the effect of increasing the value of any particular property, a portion of that increased value shall be taken by the public from the owners of the property. But, when the Bills which have been introduced in Parliament to carry out the principle are examined in detail, it will be seen that "Betterment," in its proposed application, is a very different thing from the general description of it.

The Committee propose, in the first place, to examine into the merits of the principle itself; then to show the nature and effect of the provisions in the Bills dealing with the subject; and, lastly, to explain their own views and recommendations as to altering the law, so as to enable the public to obtain a share in the unearned increment in land.

The principle of "Betterment," as generally proposed to be applied, has hitherto been confined to placing a special tax on land actually increased in value by street improvements which may be carried out in future; but it seems to be assumed that the increased value will only be given to land immediately in the neighbourhood of each street improvement, and that, therefore, the application of the special tax is to be limited to some defined area adjoining the works to be carried out. It further appears to be assumed that a street improvement does necessarily increase the value of land in the neighbourhood, and that, therefore, some substantial benefit will accrue to the public from the imposition of the special tax.

On these points the Committee have the following observations to make:—

Assuming it is possible to specify the increased value accruing to land as a direct consequence of some particular expenditure out of public funds, there seems no logical or sound reason for selecting the increment arising from that particular expenditure as a subject for special taxation, while the increment arising from all other expenditure is left exempt from special taxation.

Therefore, if the principle of levying a special charge on land for exceptional benefits accruing to it is adopted (which "Betterment" involves), it is giving the public but a small portion of what they are entitled to if they are only to levy the special taxation on the increment arising from street improvements.

Next, in the case of property which increases in value after a street widening has been carried out, how can it be ascertained whether that increase is owing to the carrying out of the widening, or to the development in the trade and population of the town, which, in itself, creates a demand for land, and consequently adds to its value? For instance, supposing the demand for trade premises and offices in some particular district of a town is rapidly increasing and rentals in that district are generally rising, and that, during the period of this rise in land values the corporation decides to widen one of the streets in that district. Suppose, also, that the increase in values continues during, say, the four

or five years which will elapse before the widening is completed, can it be fairly said that the increase in values between the date when the corporation deposits their plans for the improvement, and a date, say, two years after the works are completed, is owing to the expenditure incurred on the street widening? And if not, how is the increase to be apportioned? But Betterment requires it to be done.

If land is increased in value owing to the energy and enterprise with which the ratepayers in a town carry on their trade or busines, and to the general good government and judicious expenditure of public funds by the corporation, the ratepayers should be just as much entitled to a share in the increment arising from those causes as if the increase in value happened to follow some particular expenditure on a street improvement carried out in order to give greater facilities for traffic, and to enable the trade and business of the town to be more advantageously conducted.

There does not appear to the Committee to be any logical reason for limiting the right of the ratepayers to share in the increase arising from one particular class of expenditure only, even assuming that increase is capable of being ascertained.

Then as to the limitation of the area for imposing the tax.

In the metropolis the demand for land is such, particulary in certain districts, that whenever a new street is cut through a built-up district, or a street is widened, the frontages at once command a market value probably greatly in excess of the value of the land previous to the improvement, but, more probably than not, other property a distance away will also be much increased in value, owing to the effect that the improved facilities for traffic may have upon it, or possibly owing to the displacement of trades and population caused by the improvement itself, and which have to find location elsewhere.

It seems contrary to the true principles of taxation in such a case to impose a special tax on the one property and exempt the other.

But the metropolis must not be taken as the criterion for gauging the effect of "Betterment" in provincial towns.

The experience of the members of the Committee in their own towns is that, as a general rule, a street improvement, which involves the acquisition and pulling down of a large number of business premises or dwelling houses, so dislocates the trade on the line of street, either by the compulsory removal of trades, or by depopulating the district, and so taking away the customers from the shops in the neighbourhood, that it takes many years for the property fronting the street to develop or for the property adjoining to recover.

The slow development of frontages to a new or widened street has been, as a rule, the painful experience of corporations where they have purchased sufficient land so as to have the frontages to the new street to sell themselves, which has proved that "recoupment" is a mistake financially.

Of course, if a new street is made which opens up a new district for building purposes, the land in the immediate neighbourhood is naturally increased in value; and if it happens that, at a time when there is a considerable increase in the trade of a town, a street widening is carried out in a district suitable for trade purposes; then (if "Betterment" does not stand in the way) the frontages of the widened street would probably be quickly developed by the owners, or sold to builders at enhanced prices. But, speaking generally, experience in provincial towns shows that street widenings do not for some years improve property in their immediate neighbourhood so much as property in other parts of the town, and that it often takes many years before the frontages to a new or widened street become fully developed.

Moreover, the "Betterment" principle is only proposed to be applied in cases where corporations obtain powers to carry out street improvements in future, and therefore no advantage will be gained by the public in respect of capital already spent, and which in some towns has, perhaps, amounted to so large a sum as to practically prohibit further expenditure for some years to come.

It is now proposed to consider the provisions of the London County Council Bill and the Manchester Corporation Bill of this Session relating to "Betterment."

The provisions of both Bills are practically identical, except with regard to the terms for redeeming the proposed tax.

The Preamble to the clauses recites that the street improvements "will or may substantially and permanently increase in value lands in the neighbourhood of the above-mentioned street improvements which will not be acquired for the purpose thereof, and it is reasonable that provision should be made under which, in respect or in consideration of such increased value, a charge should be placed on such lands"; and then the first clause goes on to provide that the corporation, on the deposited plans for the improvement, shall show the limits of the land which will or may be so increased in value. No land outside the limited area is to be charged, no matter how much it may be increased in value.

It often takes several years to acquire all the land for a street improvement and complete the works, unless all the lessees and tenants are compensated at great cost, and during that period many changes may take place in the course of the trade and circumstances of a town, and it is highly probable that the area shown on the plan will contain property very much depreciated by the works, and will exclude property most benefited.

It is mere guess-work to attempt, several years before an improvement is carried out, to fix the area of property that will be improved.

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The charge to be imposed on the lands within the limits is then to be assessed by the corporation "as soon as conveniently may be (but not later than seven years) after "the passing of this Act." Assuming that the works are completed within seven years from the passing of the Act (which is by no means certain, particularly as no limit of time for completion is fixed); and assuming that the particular improvement is one most likely to immediately encourage new building schemes, is it not probable that, within the year or two that may remain of the seven after the street is completed, the owners of land within the Betterment area will refrain from developing their property, and builders from buying the land, if they know that any sign of developing the land will be used as an argument for increasing the Betterment tax? Consequently, the question as to what figure is to be taken to represent the increase in value to the land caused by the improvement will then be a matter of estimate by the corporation, subject to appeal to an arbitrator. But the probability is that, in the majority of cases in provincial towns, there will be no exceptional demand for property within the Betterment area during the first few years after the improvement is completed, and no desire on the part of owners to rebuild.

In cases where only one side of a street is pulled down, the improvement (if any) to the property on the other side will probably only arise to a small extent during the period of seven years, by enabling owners to get better rents for the buildings as they exist, and the buildings will generally have to be pulled down and rebuilt before the full increase in value to the land can be ascertained.

As the Betterment charge, when imposed, will be a permanent taxation (subject to redemption), and will continue even if the shifting of trade from the neighbourhood at a later date may cause the property to depreciate below its value before the improvement was carried out, an arbitrator is not likely to be hard upon the owners by imposing a substantial tax upon their land for a hypothetical benefit which after all may be never realised, or be only temporary, and the result will probably be that after a great deal of trouble and expense the "betterment" charge over the whole area will not give any really substantial relief to the rates. In any case it will be a speculation between each owner and the public, by which either the owner will have his property taxed unfairly and unequally, as compared with the property of other owners, or the public will not get the amount they are entitled to.

It seems to the Committee to be objectionable in principle that taxation should be based on an estimate of benefit which may arise in future, and not be limited to some benefit which has arisen and is present at the time the taxation is imposed; and moreover, local taxation to be equitable should fluctuate with the value of the property to be taxed, and not be permantly fixed on what may be the estimated value of the property in some particular year. If every owner of property situate within the Betterment area were obliged to sell his property within a given time after the works were completed, then, if it could be clearly shown that each owner had made a profit of say 1,000*l.* by reason of the improvement, a portion of that sum might be fairly taken by the public; but the majority of owners will not sell, and then their profit is represented by the increased annual value of the land and not by a capital sum. If, then, in the course of a few years the increased annual value at first accruing become reduced, it seems unfair to impose on the land a permanent tax based on an annual value that has only been maintained for a few years. Conversely, if the annual value further increases, the property should bear a higher tax proportionately.

As before pointed out, the fear of increasing the permanent tax on the land will prevent the early development of the property within the limited area which otherwise might take place; the assessments will therefore not increase, and the public will lose the rates which the property would bear if it were at once developed.

Putting aside the objections pointed out to "Betterment" as proposed to be applied, it seems to the Committee that in provincial towns the application of the principle would practically be of very little advantage to the ratepayers (save in exceptional cases), and no town will gain the slightest benefit from it until it has, at some future date, obtained an Act of Parliament to carry out a street improvement, and has completed the works.

It is unnecessary to point out to members of the Association the increasing difficulty there will be to get the promotion of a Bill including "Betterment" through a ratepayers' meeting, and subsequently through Parliament, if a powerful owners' association is formed in each town to protect their interests.

What the public want is some means of acquiring property at fair and reasonable prices for all public purposes without having to pay the exorbitant compensations for loss of prospective value which owners now get, and thus save in the original outlay, instead of trying to get back a portion of a larger outlay in the shape of "Betterment."

With regard to the question of acquiring land for public works at fair prices, it is not proposed that an owner should be prevented from claiming all the compensation he is now entitled to claim under the Lands Clauses Act, but the Committee recommend that the Act should be amended so as to enable the local authority, where an owner whose land is being acquired claims compensation for the prospective increase in the value of the land, to contend, by way of set-off to the owner's claim, that there will be a prospective increase in value accruing to property adjoining and remaining in the possession of the owner, and that the effect of the works for which the land is being acquired may be taken into consideration.

In conjunction with this the Act should be further amended to enable local authorities

in all cases, if they think fit, to acquire only so much of any property as is actually required for the works, on paying such compensation for severance as the owner would be entitled to get after the alteration in the law before suggested has been made.

Provision might also be made that the sum payable for compulsory purchase (over and above the price) should be limited to 5 per cent. on the price, instead of the customary 10 per cent., and that the liability to pay the costs of the inquiry to settle disputed compensation, should be in the discretion of the jury, arbitrator, or umpire, as the case may be.

If these amendments in the law are made there would be a considerable saving to local authorities in the compensation to be paid for land required for all public works.

On the general question of the more equitable adjustment of local rates as between different properties within any given rating area, the Committee recommend the following principle for adoption on which to found legislation, viz.:—

> That the ratepayers have a right to appropriate for public use a portion of the increment in land as and when that increment arises, quite irrespective of the cause which produces it.
>
> The application of this principle involves two main considerations:—
>
> First, the method for ascertaining the increment; and
>
> Secondly, fixing the proportion which the public ought fairly to appropriate.

With regard to the first point, the present law by which rates are levied on the annual value of property, to a large extent provides an equitable method, but owing to the method of ascertaining the annual value many properties escape the burden of a fair share of the rates.

It is impossible to adjust local taxation with absolute equality so that every ratepayer shall pay in exact proportion to the benefit he derives from the expenditure out of the rates.

"Betterment," theoretically, is an attempt to carry out such an adjustment as regards a certain class of expenditure; but in its proposed application it will leave the incidence of local taxation as unequal, if not more so, than it is at present. Moreover, if the principle is adopted of imposing special charges on certain property in respect of the benefit which that property receives from the expenditure of money for the good of the inhabitants of the whole area, over and above the proportion of the benefit received by other property in the rating area, then the same principle should also be applied to all kinds of expenditure and not be limited to one special class.

The increased value given to some properties in a town by new waterworks or main drainage works or improved paving is, in proportion, far in excess of the benefit derived by other properties; but it would be impossible to pick out all the properties which specially benefit by each class of expenditure, and impose a special charge on them which would equitably adjust the contribution to the expenditure on those works.

Why, then, should certain property which is increased in value by a street improvement be charged with an extra rate for the benefit of all other property within the rating area, when no extra rate is charged on other property specially increased in value by expenditure on other purposes, and which, if charged, would go in relief of the property, subject to the extra rate for the street improvement? That is not an equitable adjustment of rating.

The only practical basis for imposing local taxation equitably is to assess all property on the same basis, and to see that no property escapes being assessed at its real value, and this if properly carried out will, if all rates are levied on the assessment, as between the different classes of property, adjust the inequalities of local rates as far as practicable.

Some property, no doubt, benefits more in proportion than another from any given item of local expenditure, but the advantage gained on one item must be set off against the disadvantage on the other items, unless the impossible is attempted by trying to adjust local taxation in exact proportion to benefits received from local expenditure.

Under the present system of assessing property only those owners who have fully developed their property have the increment in their land fully assessed. The owners who retain their property in an undeveloped state, and neither sell it nor spend money in developing it, prevent the public from having the benefit of the property being utilised for purposes for which it is suitable, and at the same time are accumulating, in the shape of unearned increment, wealth which is capable of being realised into a capital sum if they choose to sell, or capable of producing an annual income if they choose to develop, without their property being subject to bear its fair share of the local taxation. This arises from the fact that the basis of assessment is the annual value of the property in its present condition, and although by reason of expenditure out of the rates the property referred to has been placed in a position of being capable of being developed to the best advantage, and owing to the demand for land the market value of it may have become increased tenfold, still it is probably assessed at about the same amount as it was when the market value was one-tenth of its present value.

The public lose by not getting the rates from the land which it ought to bear, and as between one owner and another the assessment is inequitable.

If an owner chooses to allow his investment in land to remain unchanged because he thinks the capital value of the investment will increase, he has a right to do so, but his land ought not to escape proper taxation in proportion to its varying value on that account.

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The Committee, therefore, recommend that the law of assessment should be altered so as to enable all land to be assessed on an annual value based on the real market value of the land from year to year; and that in the case of land and buildings the assessment should be arrived at by adding the annual value of the buildings to the annual value of the land. Under this system property which is fully developed will bear the same assessment as under the present system, but the owner who will not allow his land to be developed will have the land itself assessed on the same basis that the adjoining developed land is assessed, assuming that in both cases the real capital value is the same.

In this Report the Committee do not propose to do more than give this general outline of the scheme, but it may be added that they see no practical difficulty in carrying it out in detail.

With regard to the portion of the unearned increment in land which the public should take, it appears to the Committee that when land is properly assessed in the way indicated, the contribution made by each property in the shape of rates is a fair sum, and to attempt to levy special charges on actual or estimated exceptional benefits, by a process which involves the exercise of a discretion by an elective body or by an arbitrator, must lead to inequality and uncertainty in its application.

If the alterations in the law proposed in this Report are carried into effect, a very considerable benefit will immediately afterwards accrue to the ratepayers in every town, and the Committee, while fully appreciating the efforts of those who have attempted through "Betterment" to bring about a more equitable adjustment of local taxation, think it will be better for the corporations, who are members of this Association, to devote their energies to carrying through these amendments in the law, which will be of some real use to every corporation in the country, rather than spend time in advocating a principle which, if adopted by Parliament, will, under the most favourable circumstances, only be a comparatively small advantage to a few corporations who in future obtain Acts of Parliament for street improvements, and years may elapse before even that advantage will accrue.

8 June 1894.

REPORT

FROM THE

SELECT COMMITTEE

ON

TRUSTS ADMINISTRATION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1894.

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269.

Trusts Administration.

Ordered,—[*Thursday, 28th June* 1894]:—That a Select Committee be appointed to inquire into the liabilities to which persons are exposed under the present Law as to the Administration of Trusts, and whether any further legislative provision might be made for securing adequate administration of Trusts without the necessity of subjecting private trustees and executors to the risks which they now run.

Committee nominated—[*Wednesday, 1st August* 1894]—of—

Mr. Butcher.
Dr. Farquharson.
Mr. Heneage.
Mr. Kimber.
Sir George Osborne Morgan.
Mr. Arthur O'Connor.
Sir Charles Pearson.
Sir Henry Roscoe.
Mr. Solicitor General.
Colonel Howard Vincent.
Mr. Warmington.

Ordered, That the Committee have power to send for Persons, Papers, and Records.

That Five be the Quorum of the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the liabilities to which persons are exposed under the present Law as to the Administration of Trusts, and whether any further legislative provision might be made for securing adequate administration of Trusts without the necessity of subjecting private trustees and executors to the risks which they now run;——HAVE agreed to the following REPORT:—

YOUR Committee have met to consider the matters to them referred, but seeing that it is not possible for them to commence the Inquiry at this period of the Session, they recommend that a Committee on the same subject should be appointed at the commencement of the next Session of Parliament.

7 *August* 1894.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 7th August 1894.

MEMBERS PRESENT:

Sir George Osborne Morgan.	Mr. Solicitor General.
Mr. Arthur O'Connor.	Colonel Howard Vincent.
Sir Charles Pearson.	

Mr. SOLICITOR GENERAL was called to the Chair.

The Committee deliberated.

DRAFT REPORT, proposed by the *Chairman*, brought up, and read the first time, as follows:—

"Your Committee have met to consider the matters to them referred, but seeing that it is not possible for them to commence the Inquiry at this period of the Session, they recommend that a Committee on the same subject should be appointed at the commencement of the next Session of Parliament."

DRAFT REPORT read a second time, and *agreed to*.

Question, That this Report be the Report of the Committee to the House,—put, and *agreed to*.

Ordered, To Report.

REPORT

FROM THE

SELECT COMMITTEE

ON

TRUSTS ADMINISTRATION;

WITH THE

PROCEEDINGS OF THE COMMITTEE.

Ordered, by The House of Commons, *to be Printed,*
7 *August* 1894.

[*Price* 1 *d.*]

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REPORT

FROM THE

SELECT COMMITTEE

ON THE

UNIFORMS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed*,
10 *July* 1894.

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212.

Uniforms Bill.

Ordered,—[*Wednesday*, 9*th May* 1894]:—That the Bill be committed to a Select Committee.

Committee nominated,—[*Tuesday*, 29*th May* 1894]:—

Mr. Bennett.	Major Rasch.
Mr. Brookfield.	Sir Thomas Robinson.
Mr. Crosfield.	Mr. Angus Sutherland.
Mr. Heneage.	Mr. Sweetman.
Captain Grice-Hutchinson.	Mr. Woodall.
Colonel Naylor-Leyland.	

That Three be the Quorum.—(Mr. *Thomas Ellis.*)

Ordered,—[*Monday*, 11*th June* 1894]:—That the Select Committee on Uniforms Bill have power to send for persons, papers, and records.—(Mr. *Brookfield.*)

Ordered,—[*Tuesday*, 26*th June* 1894]:—That Mr. *Angus Sutherland* be discharged from the Select Committee on Uniforms Bill.

That Mr. *Hutton* be added to the Committee.

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REPORT.

THE SELECT COMMITTEE to whom the UNIFORMS BILL was referred have considered the said BILL and taken Evidence thereon, which they have agreed to Report to the House; and have gone through the BILL and made Amendments thereunto.

10 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Monday, 11*th June* 1894.

MEMBERS PRESENT:

Mr. Heneage.	Mr. Angus Sutherland.
Mr. Bennett.	Mr. Sweetman.
Mr. Brookfield.	Major Rasch.
Mr. Crosfield.	Mr. Woodall.
Sir Thomas Robinson.	Captain Grice-Hutchinson.

Mr. BROOKFIELD was called to the Chair.

The Committee deliberated.

[Adjourned to Thursday next, at Half-past Two o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. BROOKFIELD in the Chair.

Mr. Crosfield.	Sir Thomas Robinson.
Mr. Angus Sutherland.	Captain Grice-Hutchinson.
Major Rasch.	Mr. Heneage.
Mr. Bennett.	Mr. Sweetman.

The Committee further deliberated.

[Adjourned to Tuesday, 26th June, at Twelve o'clock.

Tuesday, 26*th June* 1894.

MEMBERS PRESENT:

Mr. BROOKFIELD in the Chair.

Mr. Heneage.	Mr. Woodall.
Mr. Bennett.	Captain Grice-Hutchinson.
Mr. Crosfield.	Major Rasch.
Mr. Sweetman.	

General the Right Honourable Sir *Redvers Buller*, V.C., Mr. *Fleetwood Wilson*, C.B., and Captain *H. D. Barry*, R.N., were examined.

[Adjourned to Thursday next, at Twelve o'clock.

Thursday, 28*th June* 1894.

MEMBERS PRESENT:

Mr. BROOKFIELD in the Chair.

Sir Thomas Robinson.	Mr. Crosfield.
Colonel Naylor-Leyland.	Mr. Heneage.
Mr. Sweetman.	Mr. Hutton.
Mr. Bennett.	Major Rasch.

Superintendent *William Davis*, Metropolitan Police, was examined.

Mr. *John James Sexby*, London County Council, was examined.

Mr. *George Sanger*, was examined.

Mr. *William Pycock*, was examined.

[Adjourned to Tuesday next, at Two o'clock.

Tuesday, 3*rd July* 1894.

MEMBERS PRESENT:

Mr. BROOKFIELD in the Chair.

Captain Naylor-Leyland.	Mr. Bennett.
Mr. Crosfield.	Mr. Sweetman.
Major Rasch.	Captain Grice-Hutchinson.
Sir Thomas Robinson.	Mr. Woodall.
Mr. Hutton.	

The Committee deliberated.

[Adjourned to Tuesday next, at Twelve o'clock.

Tuesday, 10*th July* 1894.

MEMBERS PRESENT:

Mr. BROOKFIELD in the Chair.

Mr. Heneage.	Mr. Bennett.
Captain Naylor-Leyland.	Captain Grice-Hutchinson.
Sir Thomas Robinson.	

Clause 1, *agreed to.*

Clauses 2—3, *disagreed to.*

Clause 4.—Amendment proposed, in page 1, line 26, to leave out the words "naval or."—(*Chairman.*)

Question, That the words "naval or" stand part of the clause,—put, and *negatived.*

Another Amendment proposed, in page 1, line 26, after the word "wear," to insert the words "without Her Majesty's permission."—(Mr. *Heneage.*)

Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment proposed, in page 1, line 26, after the word "uniform," to insert the words "of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform."—(Mr. *Heneage.*)

Question, That those words be there added,—put, and *agreed to.*

Another Amendment proposed, at the end of the clause to add the following proviso—

"Provided that this enactment shall not prevent—

"(*a*) A member of a band from wearing at or for the purpose of a public performance by the band at any time within six years after the passing of this Act any dress which, at the passing of this Act, is the recognised uniform of the band, unless the dress is an exact imitation of the uniform of any of Her Majesty's military forces."—(Mr. *Heneage.*)

Question, That those words be there added,—put, and *agreed to.*

Another Amendment proposed, at the end of the clause as amended to add the following sub-section—

"or (*b*) any person from wearing any uniform or dress in the course of a stage play performed in a place duly licensed or authorised for the public performance of stage plays, or in the course of a circus performance or a military tournament or spectacle."—(*Chairman.*)

Question proposed, That those words be added to the clause.

Amendment proposed to the proposed Amendment in line 3, after the second word "or," to leave out the words "a military tournament or spectacle," and insert the words "in the course of any *bonâ fide* military representation."—(Captain *Naylor-Leyland.*)

Question, That the words proposed to be left out stand part of the proposed Amendment,—put, and *negatived.*

Question, That the words "in the course of any *bonâ fide* military representation" be there added,—put, and *agreed to.*

Words, as amended, added to the clause.

Another Amendment proposed, at the end of the clause as amended to add the words:—"(2.) If any person contravenes this section he shall be liable on summary conviction to a fine not exceeding ten pounds."—(*Chairman.*)

Question proposed, That those words be there added.

Amendment proposed to the proposed Amendment, to leave out the word "ten," and insert the word "five."—(Mr. *Heneage.*)

Question, That the word "ten" stand part of the proposed Amendment,—put, and *negatived.*

Question, That the word "five" be there inserted,—put, and *agreed to.*

Question, That the words as amended be there added,—put, and *agreed to.*

Question, That Clause 4, as amended, stand part of the Bill,—put, and *agreed to.*

Clause 5.—An Amendment proposed in page 2, line 1, before the first word "any," to insert the word "if."—Question, That the word "if" be there inserted—put, and *agreed to.*

Another Amendment proposed in page 2, line 2, to leave from the word "wears" to the end of the clause, and add the words "wears without Her Majesty's permission the uniform of any of those forces, or any dress having the appearance or bearing any of the regimental or other distinctive marks of any such uniform, in such a manner or under such circumstances as to be likely to bring contempt upon that uniform, or employs any other person so to wear that uniform or dress, he shall be liable on summary conviction to a fine not exceeding ten pounds, or to imprisonment for a term not exceeding one month."—(Mr. *Heneage.*)

Question, That the words proposed to be left out stand part of the clause,—put, and *negatived.*

Question, That the proposed words be there added,—put, and *agreed to.*

Question, That Clause 5 as amended stand part of the Bill,—put, and *agreed to.*

Clause 6.—*Disagreed to.*

New Clause (Interpretation) brought up and read the first and second time, as follows—

"In this Act:

"The expression 'Her Majesty's Military Forces' means the regular forces, the reserve forces and the auxiliary forces within the meaning of the Army Act, other than the Naval Coast Volunteers and Naval Volunteers.

"The

"The expression 'Her Majesty's Naval Forces' means the Navy, the Naval Coast Volunteers, and the Naval Volunteers."—(*Chairman.*)

Question, That the Clause be added to the Bill,—put, and *agreed to.*

Another new Clause (Commencement) the *Chairman* brought up and read the first and second time, as follows—

"This Act shall come into operation on the first day of January 1895."

Question, That the Clause be added to the Bill,—put, and *agreed to.*

Ordered,—To Report the Bill, as amended, together with Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	PROFESSION OR CONDITION.	From whence Summoned.	Number of Days Absent from Home under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
William Pycock -	Bandmaster - -	Gainsborough - -	2	1 10 -	1 7 -	2 17 -

LIST OF WITNESSES.

Tuesday 26*th June* 1894.

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MINUTES OF EVIDENCE.

Tuesday, 26th June 1894.

MEMBERS PRESENT:

Mr. Brookfield.	Mr. Heneage.
Mr. Bennett.	Major Rasch.
Mr. Crosfield.	Mr. Sweetman.
Captain Grice-Hutchinson.	Mr. Woodall.

MR. BROOKFIELD, IN THE CHAIR.

General the Right Honourable Sir REDVERS HENRY BULLER, V.C., K.C.B., K.C.M.G., called in; and Examined.

Chairman.

1. I BELIEVE you are a General in the Army and Adjutant General of the Forces on the Head Quarter Staff of the Army?—Yes.

2. You are aware, are you not, of the general subject we are inquiring into on this Bill?—Yes.

3. Are you aware in your official capacity of the existence of the evil that this Bill is directed against?—I am.

4. You are aware of the great irregularities in the matter of wearing uniforms by the civil population for various purposes, such as bands, advertising, hotel porters, sandwich men, and so on?—So far as I am aware, there is nothing at present to prevent anybody wearing any uniform he chooses.

5. Have you heard any complaints in your official capacity lately?—Yes.

6. Can you state an instance?—I had one the other day from an officer at Brighton, who complained that the town council at Brighton were starting a band, and that they were putting it into a uniform which was a copy of the uniform of the band of the Artillery. The Artillery officers thought it was not fair upon their band to be represented in that sort of way.

7. Did you understand that they were purchasing old artillery uniforms, or making new ones on the same pattern?—I understood that they were making new ones.

8. I suppose, the evil, or the abuse, such as it is, is chiefly in connection with the uniforms of the rank and file, that is, tunics or full dress jackets?—Yes, I think chiefly. At the same time what we feel in the Army is, that we really have a sort of trade right to our uniform, that it really is our trade mark, and therefore it ought not to be pirated.

Chairman—continued.

9. Is there a general feeling in the Army that they have a sort of prescriptive right to scarlet as the Royal livery, the national colour?—I should not like to go quite so far as that. I do not think they would object to the colour being taken; but what they do object to is having any uniform copied or even colourably imitated.

10. Practically speaking, what harm should you say is done by the absence of restriction in this matter; should you say it was only sentimental, or that it did practical harm?—The injury is perhaps more sentimental than practical. I might describe it as a grievance rather than a wrong.

11. But I suppose any grievance of this nature might indirectly or directly have an unfavourable effect upon recruiting?—Yes, I think it might. Very often uniforms are worn by people who have no right to them, and who apply them to purposes, which very purposes in themselves reflect upon the Army. If a man, for instance, dresses up as a beggar and puts on medals and a uniform, the imputation is that the nation is neglecting its old soldiers, when possibly the man was never a soldier at all.

12. At all events you think it desirable to do something to put a stop to this state of things?—I think it would be very satisfactory to all ranks in the Army if it could be stopped. I believe in most other countries it is not allowable to wear the uniform. We think our uniform is to a certain degree our trade mark, and that we ought to have a right to it as any trader has a right to his trade mark.

13. In your opinion would any Army Order or Order in Council be an effective way of dealing with the matter?—I think not. I think nothing

Chairman—continued.

short of an Act of Parliament with a penalty would meet the case.

14. You spoke just now of foreign countries; could you tell the Committee what is the state of the law in foreign countries in regard to this point?—I have a copy of the Acts of Parliament of foreign countries relating to the wearing of uniforms.

15. Will you hand that in; or perhaps you would like to specify some of the chief points in it before you hand it in?—In Austria "whoever without fraudulent intent gives himself out to be a military person," "or by the unauthorised wearing of uniform assumes the appearance of a public official or a soldier, shall suffer imprisonment of from three days to one month." There is also a fine for wearing a decoration to which the man is not entitled.

Mr. *Heneage.*

16. Does that include colourable imitation as well as the uniform itself?—"Assuming the appearance of a soldier" is the expression in the extract which I have before me; that would include colourable imitation. In France "every person who shall publicly wear a costume, uniform, or decoration which does not belong to him shall be punished by imprisonment for a term of not less than six months and not exceeding two years."

Chairman.

17. When you say a uniform "which does not belong to him," that does not mean, I presume, one which is not his property, but one which he is not entitled to wear?—This is merely a translation from the French Code, but I imagine it means a uniform which he is not entitled to wear. There is a fine in the same way for wearing an honorary distinction to which he is not entitled.

18. There is a very heavy penalty in France, I understand?—Yes; not less than six months and not exceeding two years.

19. Without the option of a fine?—Yes, in the case of wearing a uniform. In Germany a fine up to 50 thalers (7*l.* 10*s.*) or imprisonment may be inflicted "upon such persons as, without having a right thereto, shall wear any uniform, official dress, badge of office," and so on. In Italy "any person who publicly, without due authority, wears the uniform or distinctive marks of a profession, corps, or office, or assumes distinctions, honorary titles," and so on, is liable to a fine of not less than 50 lire and not exceeding 1,000 lire (2*l.* 10*s.*—40*l.*)

20. That has reference to any "profession," I understand?—Yes, "profession, corps, or office" are the words.

21. It would include dressing up as a barrister, I suppose?—I imagine it would. Those are the four principal countries with regard to which this Paper shortly summarises the state of the law on this subject.

22. Will you hand that Paper in?—Yes (*handing in the same*).

23. Are you aware of the state of the law in any of our own colonies?—I am not.

24. Or in India?—I think they follow the English law in all cases.

25. The Indian Penal Code imposes three months' imprisonment, or fine of 500 rupees, or both, upon a man for improperly wearing a uniform or carrying any token used by a soldier; but it must be done with the object of leading people to believe that he is a soldier?—Yes.

Chairman—continued.

26. That is not quite the same point, is it?—No, I think not; I think there must be that intent to bring that case within the Indian Code. It is, therefore, rather outside the question.

27. You think we might enact something of the same kind in England; may I ask if you have read the Bill before this Committee?—I have.

28. You think that something in accordance with this Bill is desirable?—I think so; very desirable.

29. There is a word in this Bill which is a little troublesome to some Members of the Committee; it is the word "colourable." You will see in Clause 4 the words "or any colourable imitation thereof." If we are to deal effectually with the matter, I presume we shall have to deal with the case of colourable imitation?—Clearly so, because if the Act dealt only with exact copy it would be very easy, by the alteration of lace or by putting an extra button, to make some difference.

30. Would you give the Committee an instance of what, in your opinion, would be a colourable imitation of some well-known uniform, we will say the Foot Guards, for instance?—If the Act only spoke of the uniform, I imagine that as there would be a penalty attached, the courts would construe the law strictly, and if it could be proved that the uniform adopted differed in any particular from the real uniform, it would be considered not to be a uniform, but only an imitation, and so to be outside the law. It would be very easy to make such an imitation of the uniform that nobody without closely inspecting it could tell the difference; it might be done by the addition or omission of a little piping, or by fewer buttons, or extra buttons, or the alteration in the shape of the lace on the sleeve; any of those small sartorial changes would leave it an imitation, but yet would evade the law, I imagine.

31. A civil magistrate would interpret the Act literally; they always do in such a case, I imagine?—I think so, in a penal clause.

32. And the man would get off if he had this little extra sartorial addition, or subtraction, such as you describe?—That is what I should be afraid of.

33. Let me ask you from the point of view of a bandsman who wants to dress up smartly, would it not be quite possible to devise plenty of uniforms for bands that should be extremely smart and attractive without infringing any of the privileges of the Army?—I think so.

34. Even if it was conceded that they should wear scarlet as much as they liked, they might still wear quite a non-military scarlet tunic?—Yes; it is the imitation of the actual uniform that soldiers object to.

35. Is there any other information you could give the Committee on the general subject, or any suggestion that you could make from the military point of view?—No; the only other point that occurs to me is that if this wearing of the uniforms was stopped at all, we should like the

Chairman—continued.

the Act to be of general application all round. There is no reason why a particular regiment should be imitated on the stage of a theatre more than anywhere else. We think it much better that the Act should be made to apply everywhere, and if the theatres want to have soldiers on the stage they should either dress them in old uniform out of use, or else in uniforms of their own invention.

36. To press that point a little further, that grievance would probably not be felt where the performers on the stage were possibly most of them Reserve men, who were being made to perform heroic actions, such as are represented by Sir Augustus Harris and his forces at Drury Lane. The Army probably would not feel degraded if they were represented as doing heroic actions on the stage; I presume the case you contemplated is rather the case of Life Guardsmen in full uniform being made to do ridiculous things or base actions?—Yes, of course, that is the principal objection; but if the Act were made to cover all cases, I think there would be no harm. I should not like to throw the responsibility upon the Examiner of Plays of saying what was a creditable action and what was not.

37. But it is not difficult surely to decide what would bring the Army into contempt. We might trust the Examiner of Plays to decide that, might we not?—That is really rather a matter for the House of Commons than for me. I would only say we should prefer a general Bill that made our uniforms our own, and nobody else's.

38. If the Committee would let me anticipate some evidence we are going to have afterwards, namely, that of Mr. Sanger's, the circus proprietor, his point of view is very much what I have put to you, viz., that he inspires the population with noble feelings by dressing up his performers in red tunics, and putting them on piebald horses, and representing victories over Zulus and so on. Would you give him any exception, or would you treat him exactly the same as the theatres?—I should be inclined to treat him the same as the theatres. There would be no objection to the red tunic, but it should not be a tunic that was an imitation of an existing uniform.

39. That is to say, if we decided to give the theatres some concession in this matter, you think you might give the circuses the same concession, though the fact of these processions taking place out in the streets, would make a difference, no doubt?—I cannot see that there would be any great advantage to him to dress up the performers in a particular uniform. He might invent a theatrical British uniform, which would be very easy for him to do, and which would, perhaps, be more effective than our present dress.

40. That, according to what you suggested just now, would be a colourable imitation, would it not?—No, I think not. He might invent a different uniform.

41. Which would evade the Act and infringe no right?—Yes.

42. Let me ask you one other question, which may seem a little foreign to this Bill. It is the case, is it not, that officers in our army wear their uniform on much fewer occasions than is the case in other countries?—That is so.

Chairman—continued.

43. May I ask what view the military authorities at head quarters take upon that point; whether they think it is desirable to have the uniforms more worn, or to keep exactly as they are? In asking the question what I am leading up to is this. The insinuation was that the fact that officers never wear their uniforms except when they can help it, rather encourages hotel porters and bandmasters, and other people in saying, "Why should we not wear this uniform; we never see anyone else in it?"—I cannot say that I see that that argument follows.

44. Then to return to my question. May I ask your opinion as to whether it would not be desirable for officers to wear their uniforms more frequently?—If I may give a personal opinion, I should say not. We are a volunteer army and not a large one in England, and in a great part of England there are very few soldiers, and I do not think it is desirable to ear-mark any individual man. It is to my mind as little desirable for an officer to travel in his uniform as it would be for a barrister to travel in his wig.

45. But he does it everywhere in the colonies; for instance, in India he is constantly in his uniform, is he not?—There he is in military occupation.

46. I understand it is your personal opinion that it is undesirable to alter the Regulations in that respect?—I think so.

47. The Regulation I refer to is Section 12, paragraph 5, which says, "Officers are to wear their prescribed uniform in camp and quarters while on duty," but it is left to the discretion of General Officers Commanding to permit the use of plain clothes for purposes of recreation?—Yes.

48. That discretion is never exercised on the other side, I imagine?—There are a good many cases in which uniforms are ordered to be worn for specific purposes.

49. At garden parties on certain occasions for instance?—On certain occasions.

Mr. *Sweetman.*

50. I think you were asked whether this unauthorised wearing of uniforms, which was considered an evil, had any unfavourable effect on recruiting, and your answer was "I think it might." Now I would like to ask whether you think it has in fact actually had an unfavourable effect?—I should think it had; I cannot say more than "I think," because I have no proof at all; but I can conceive it is quite possible that if a man sees a person who presumably has been a soldier dressed in a uniform carrying a board about the streets, he may think that the Army is not a very good profession, if that is the way it ends.

51. You said you thought it might have that effect, but you did not say you thought it had had that effect actually?—I have no proof that it has. I think the practice is objectionable, and that is one of the reasons why I think it objectionable; but I cannot actually prove that it has had that effect in any particular instance.

 52. I understand

Mr. *Sweetman*—continued.

52. I understand you to say you thought it *might* have an unfavourable effect. I do not want proof; but I want to know whether you think it has had an unfavourable effect?—Yes, I think it has; but I have no proof that it has.

Mr. *Bennett.*

53. Is it your opinion that the use of uniforms for a band of respectable men, the best men of their class ministering to the pleasure of the people, has a tendency to degrade or damage the popularity of the Army?—I think the copying of the existing uniform of one band for the use of another band has distinctly the result of very much annoying the band that is copied; I have proof of that. They do not like it; they think that their band is discredited if the other band does not play so well. Musicians, as you know, are rather jealous sometimes, and they do not admit that the other band plays so well, and therefore it creates a good deal of dissatisfaction; I cannot say more than that. I know that feeling existed in the particular instance I have referred to, for it was a private of the Artillery band who originally objected to the civil band wearing his regiment's uniform.

54. I was going to follow that up by this question. You mentioned that the band of the corporation of Brighton dressed in the Artillery uniform. I was wondering whether we were to take it that you believed that would have a damaging tendency to the efficiency of the military band?—I think it makes the military band discontented.

55. Does it not give it a sort of feeling of emulation?—Not emulation, but discontent; I do not think it makes them any better; I think it has a tendency the other way.

56. Taking the case of a band of men drawn from the respectable artizan class, wearing a uniform for the sake of better appearance and better marching, and so on, would that in your opinion be calculated to interfere with the popularity of the Army?—Yes; I think distinctly it is calculated to interfere with the popularity of the Army. Why does a man wear a uniform? he must have some reason for putting on an imitation uniform. He believes he will gain something by it, and that he will be held as having belonged at some time to the band, whose uniform is copied. That is the only conceivable explanation, to my mind.

57. You do not think it might be worn with the motive of better marching and better appearance, and for the sake of improving the music and the popularity of the whole thing?—My objection is not to their wearing *a* uniform but to wearing *the* uniform of a particular corps.

Captain *Grice-Hutchinson.*

58. Is there not a regulation about to be issued, or already issued, giving a soldier on his going into the Reserve his uniform, making it his own property?—The regulation makes the uniform his own property; but the places in which he can sell it are limited; he cannot sell it outside the regiment.

59. He cannot go to one of those slop dealers and sell his uniform for any purpose, just to raise a few shillings?—No, he cannot; and he has not been able to do so for some time.

Captain *Grice-Hutchinson*—continued.

60. It must be sold regimentally?—Yes, it is sold regimentally as long as it can be worn regimentally; and when it is worn out there is a Government contract that runs with a dealer, who takes these garments at a fixed price in bulk, and who is under a very considerable bond not to allow them to be sold as uniforms.

61. You do not think it is possible for a soldier to sell his uniform outside the regiment, so that it shall be put to those purposes?—I do not think it is now. I do not think that has been done for a considerable time.

Mr. *Heneage.*

62. I wish to follow up one or two of the Chairman's questions. I think I may say fairly there are two distinct classes of complaints with regard to the wearing of uniforms; one which is rather more sensitive than the other, with regard to bands and imitations by respectable persons; and the other, with regard to the uniform of the Army being degraded by being worn by sandwich men and others. They are two complaints entirely distinct, are they not?—They are two distinct uses to which uniforms could be put.

63. May I put it that the Army would like to see such uses of the uniform as is made by sandwich men and porters abolished altogether, and that they would deal rather more tenderly with bands and cases where a colourable imitation is worn by respectable men?—I do not think so; I should not say so for my own part. It is difficult to speak for a large body of men; so many men, so many opinions; but I do not think that would be their feeling. What I believe to be the feeling of the Army is that we look upon our uniforms as our trade mark, and we think we are entitled to have them preserved to us.

64. You do not think there is any difference between the case of a uniform being degraded in the streets, and the case of a uniform which is not degraded but pirated?—Of course there is a difference, and if one was to limit the use one would rather put it to the best uses; but I am sure there are a great many men, say, for instance, the band of a regiment, who would more object to seeing another band dressed up to imitate them than they would to see a man in their uniform walking up Piccadilly carrying a board on his shoulder.

65. That, as you say, is rather a sensitive grievance than a wrong?—I said it is a grievance not a wrong; but it is a grievance, and a very considerable grievance.

66. Does not the other class of cases I alluded to have the effect of bringing the Queen's uniform into contempt and degrade it. Are they not two distinct questions to be dealt with on a different footing?—I should like to see them dealt with together in the same manner, and both prevented. Of course, if we cannot get one I would take the other; but I hope you will give us both.

67. Now, with regard to the question of colourable imitations, can you lay down any particular colours which you would prevent bands from

Mr. *Heneage*—continued.

from wearing?—No, I do not want to stop bands wearing scarlet.

68. You do not object to that?—No.

69. Provided they have none of the facings of the military uniforms?—Provided they do not imitate our uniform.

70. You will observe that the words in Clause 4 are "any colourable imitation"; it rather turns upon those words?—The Austrian wording is "assumes the appearance of"; perhaps that might meet it,

71. You would not object to bands wearing scarlet or blue, or any military cloth, as I may call it, providing they did not assume the appearance of the Artillery or the Guards or the Line, or any popular regiment?—I should not object at all; I should be very glad to see them wearing a uniform. It is assuming the appearance of any particular corps in the Army that we object to.

72. I was rather inclined to ask you to define what in the military mind is assuming all imitation of the military uniform; I do not know whether you would mind trying to define it a little nearer?—I am rather short-sighted, but I could tell across the street whether a man had on one of our uniforms or not, by looking at it. Any man who is versed at all in uniforms would know whether the person was assuming the appearance of a regimental uniform.

Chairman.

73. Would not this be an illustration: The Honourable Artillery Company would be a colourable imitation of the Foot Guards, would they not; seeing that they wear the bearskin, scarlet tunic, and so on; and most people when they see them would say, "There go the Guards?"—They would to a certain degree. I have not at the present moment, in my mind's eye the red tunic which they wear; the blue one is certainly a colourable imitation of the Artillery.

Mr. *Heneage.*

74. Are all old uniforms returned into store now, as they used to be?—Yes; they are all destroyed.

75. No private soldier can sell his uniform?—No.

76. But officers can sell them or give them to their servants, who can sell; can they not. There is no law against an officer selling his uniform, is there?—No.

77. Would it not be a good thing to put in a clause prohibiting the sale of uniforms by any soldier, whether an officer or a private?—I would rather see the sale limited by preventing the use of uniforms; that would have the same effect, I think; because a man leaving the Army might have his uniform not worn out, and he might sell it as a second uniform to somebody coming into the regiment.

78. Of course that is constantly done; I was not referring to selling in the regiment; but what I meant was, it is not much use preventing the men from selling their uniforms if officers' servants can sell any that are given to them?—Yes.

79. With regard to the theatres, do not soldiers very often perform at the theatres in uniform?—I believe they do in London.

80. Is it not usual when they do, for them to make some change in the uniform so as not to make it an exact copy of the regimental uniform, by changing the sword, or some other means?—That is more often done than not; but I have seen occasions when the real original uniform has been worn on the stage, or, at all events, an exact imitation.

81. As I understand, you object to that altogether; you would consider that a colourable imitation on the stage, and would disapprove of it?—Yes; I do object to it.

Mr. *Crosfield.*

82. Do you consider that there would be any difficulty in altering the uniform, say, by removing the facings, so as to allow a man to wear the clothes without pretending to belong to one particular regiment?—I do not think a man would ever do so, because of the traditions attaching to it. In the old days the practice (which has now been abolished) used to be that when you got rid of a man with a bad character, you cut off the facings, and turned him out in that condition. Therefore, there is an evil name attached to such a uniform; and I do not think any man would even wear it.

83. Would not the outsider who has none of those traditions, accept this uniform as sufficient for his purpose, and take no notice of what your profession would look upon as an act of great degradation?—I think not; I think among the sort of class who would wear such a uniform it would be pretty well known what it meant.

84. You spoke of the uniforms being now destroyed; are they absolutely ripped up, or are they disfigured so as to be unrecognisable?—A great number are pulped, actually made into shoddy; but some are sold to go to the Colonies; we do not object to their going to South Africa and Ceylon, the coolies there wear them.

85. You stated that you had no objection to these people who want a uniform making a new uniform; would it not, after the monopoly you have given the Committee to understand the Army have over uniforms, be almost impossible to find a smart uniform that the Army have not already assumed?—I think not. There are a great many we have discarded, for instance, and there are foreign uniforms of every variation without number. Any theatrical costumier could make a uniform at very short notice, and, in fact, one sees such uniforms every night at the theatre.

86. The expression has been used "to evade the law"; but without assuming any case of evasion, is there anything undesirable in providing that the Act shall not apply where the uniform is used for certain purposes without any idea of evasion; as, for instance, where a country band, for the purpose of adding to its smartness, adopt a portion of your uniform?—I should think if a country band copied our uniform it would be because they wanted to be taken by the country bumpkins for the band whose dress they copied.

87. Supposing they took one of your tunics

Mr. *Crosfield*—continued.

to wear with light trousers, or trousers that would be impossible in the Army, would that be undesirable, in your opinion?—We would rather they did not wear our tunics.

88. Even with tweed trousers?—Even with tweed trousers.

89. With regard to other countries, is the case quite analogous; my impression of other countries is that they wear out their uniforms to a point when nobody could possibly take them, and they have even second and third uniforms for dirty work, and that sort of thing?—So to a great extent do we; I imagine, like us, there are a certain number of their men who wear their uniforms less than others, and therefore there is always a certain number of uniforms that are not so thoroughly worn out.

90. The illustration has been used of hotel porters; but it occurs to me that hotel porters, for advertising purposes, have always the name of their employers on some conspicuous part of the uniform. If the name of the band, for instance, were put upon the collar of the uniform, would you consider that that was a sufficient destruction of the colourable imitation to take it out of the Bill?—It would depend upon how it is put on; I do not think they ought to wear our uniforms at all, whether they put anything on the collar or did not. Supposing a man had on a uniform and put over it a sash with the name of the band on it, that would be our uniform all the same.

91. Supposing he had the name "Besses o' th' Barn" actually embroidered on the fact of it, would that sufficiently destroy the identification?—I would rather he had another sort of uniform.

Major *Rasch.*

92. I should like to ask whether, as a matter of fact in the Army, not making nice distinctions, the wearing of regimental uniforms by bands is not just as obnoxious to the service as when they are worn by scarecrows and sandwich men?—I think I have already said that: I included in my objections the use of uniforms by bands as being quite as certain to be objectioned to as the use of old uniforms by dilapidated people.

Mr. *Woodall.*

93. I take it that you think that when a uniform has been devised for the purpose of distinguishing a regiment, or an officer, or a rank, it ought to have the effect of a registered design?—Yes.

94. And that it should be the property exclusively of those who are entitled to wear it?—I think so.

95. And any pirating or invasion of it is in effect a robbery which might properly be resented, even though it might not be calculated to deceive?—I think so. I think people who are dressed up to represent others do so for some purpose that is not for a good purpose.

96. In the case of the illustration you gave of an amateur private band, by assuming the costume of a regimental band, you think they would hope to get some sort of status or advantage or privilege by that imitation?—Yes; I think they only put on that uniform because they believe it will increase in some way the value of their band.

Mr. *Woodall*—continued.

97. Not that it would be likely to bring the uniform itself into anything like contempt?—Not into contempt; but our chief objection upon that point is that our bands are kept up a great deal by the money that they get for out-of-door performances; and if their uniforms are copied, and are made common in certain districts, the band to which that uniform belongs is discounted.

98. Assuming it is intolerable to allow a direct imitation calculated to deceive, how far do you carry the point upon which you have been so much questioned as to a colourable imitation of that uniform?—I think "colourable" imitation is not a bad word; it is the sort of thing, I think, may be left to the magistrate, or trained expert, who is dealing with the case, to decide.

99. In the case of invasions and pirating of registered designs, it is often very difficult, is it not, to distinguish between a colourable imitation and the original design?—That is quite true; but I do not think that this is quite an analogous case. I think if we objected to a particular uniform and sent one of the uniforms which we said it was a copy of, or a colourable imitation of, into court, the magistrate ought to be able, having the two tunics before him, to see whether one was a colourable imitation of the other, or not.

100. Taking the words of the Austrian regulation, which imposes a penalty where any one "gives himself out to be," or "assumes to be" some other person than what he is, the magistrate might ask himself, "Is this an imitation uniform; is it so far calculated to deceive, and does it assume to be something which it is not;" cannot you imagine that if a magistrate had before him the Austrian definition he would allow the rather close colourable imitation to pass?—The Austrian law is more directed against persons appearing to be other persons. I apprehend this Bill would be only directed against the person wearing another person's uniform. The cases are not quite the same.

101. Surely it must be that the offender is wearing a uniform which affects to be a uniform which he is not entitled to be in possession of?—The offence which I wish to see met would be that the offender was wearing a uniform which was a colourable imitation of another one, or which was a copy of it.

102. Even though the colourable imitation would not deceive any one, or would not deceive the magistrate?—According to the effect which I put upon the words "colourable imitation" it would be calculated to deceive. As I say the uniform would be in court, and the magistrate should decide whether it was a colourable imitation or not.

103. Then the colourable imitation which did not come sufficiently near to deceive the unwary might be permitted to pass?—Yes.

104. Your objection, I understand, would be entirely independent of the assumption that it might be calculated to bring the uniform itself into contempt?—If it was only a colourable imitation, such as would not deceive the unwary man, I do not think it would bring the uniform into contempt; it would be something else.

105. Passing on to the use of Her Majesty's uniform

Mr. *Woodall*—continued.

uniform on the stage, take one of Sir Augustus Harris's military pieces at Drury-lane, were we will say one of your own regiments, in the Egyptian campaign, for instance, crosses the stage and does heroic things, do you think in an age of realism like that in which we live now, the purpose would be attained by a merely artificial uniform, a mere stage decorative dress, for example; what is the objection in your mind in such a case as that?—I object to their wearing our uniforms.

106. I suppose we may take it from you that so far from that bringing the uniform into contempt, it would probably have the opposite effect, in exciting a sort of martial and patriotic enthusiasm?—It is possible that it might, but still in all laws there are certain extreme points where they might be transgressed advantageously.

107. Then your objection to it would be quite independent of the assumption that it would be likely to deter recruiting or disparage the service?—My objection to it is that this sort of law which we are discussing would be very difficult to make with exceptions, and therefore I should deprecate any exception. I think there would be no harm in having no exception.

108. Would you carry the prohibition so far as to forbid the wearing of a uniform of any rank upon the stage?—I should certainly like that, and I hope to see that done.

109. But supposing a military colonel or a captain was represented in a play, would you have him go through his part in a sort of conventional uniform which was not that of the rank which he represented?—I do not see why they are to represent a particular uniform of any particular regiment in a play any more than in a novel you are to draw a particular person by name; and, as a matter of fact, they nearly always make some difference; they give an impossible number, or something of that sort.

110. We all know how very realistic stage representations are to-day, and how it would be resented if there was an inaccurate rendering of any particular costume; is not that so?—Most of the renderings I see are inaccurate. It is very seldom you see on the stage a really accurate copy of a uniform.

111. You have already explained to the Committee that an officer may dispose, and does in practice dispose of his uniform to his servants, and they are allowed to sell them as best they may; have you any idea of what becomes of those uniforms, generally?—I think most of them are cut up; some go to South Africa.

112. There is rather a large and remunerative market for showy uniforms in South Africa, is there not?—Yes; but we have never objected to the people wearing uniforms as long as they have bare legs.

113. Have you in your military experience known of showy uniforms being collected on purpose to be sent as presents to African sheiks and other dignatories in the Soudan?—No; I have never known of it; but I daresay it has been done.

114. You know at any rate that uniforms of this kind are very much in request among the negro natives of the West Coast of Africa, for example?—I think it is more on the East Coast; old uniforms of all nations and old liveries are the principal dress of the coolies at the diamond fields, at Kimberley, for instance.

115. You do not see any particular objection to that?—No.

116. Although it may be calculated to bring the Queen's uniform into contempt?—I do not think so; as a rule all the buttons have been cut off.

117. Do you happen to know what becomes of the livery of the Queen's servants?—I have not the least idea.

118. Or of the very showy uniform of the Lord Mayor's coachman and servants?—I think I have seen one of them in South Africa, or something like it.

119. I think I may take it from you that your objection is quite independent of the idea of the discarded uniforms being likely to be used in a way to bring contempt upon the Queen's service?—Yes; it is not only a question of contempt, but we train both our officers and men, and with very considerable success, to have a pride in their uniform, and to consider their uniform as a special garment which it is their duty to uphold and honour in every possible way, and they do not like it being worn by other people; that is the main objection.

120. Volunteers are allowed to dispose of their uniforms very much in their own way, are they not?—Yes.

121. Has any action been taken by the War Office to call for some kind of prudent restriction upon that free sale of the uniform?—Not that I am aware of.

122. May I refer you to this War Office Circular of the 6th July 1892, with regard to the wearing of cast-off uniforms for advertising purposes, and the steps to be taken in regard to it (*handing the same to the Witness*). Will you explain to the Committee what was done under that circular?—This letter was not written in my branch of the office, and I never saw it till now, but whoever the man was who wrote it it is really in exactly the same spirit as my last answer: It says "It is considered advisable for the credit of the volunteer corps themselves that steps should be taken to remove all such designations before disposing of the old clothing to the contractor;" that is, to make the uniform such that it could not be recognized as belonging to any particular volunteer corps.

123. Can you tell the Committee whether there are any restrictions upon the sale of yeomanry uniforms and clothing?—I think not. There is a very small sale of the yeomanry uniform; it is very little worn, and it passes on from one man to another.

124. Would you desire that any restrictions imposed upon the wearing of the uniform of the regular army should also be imposed upon the sale of yeomanry and volunteer uniforms?—I should like it to be the same there, for the same reason: In those corps, as in all corps, we try to make the men look up to their uniform, and the sale or use of the uniform by people who are not entitled to it detracts from that feeling.

125. Has it come to your knowledge that there is a considerable importation of foreign uniforms into England for purposes of the kind

Mr. *Woodall*—continued.

to which reference has been made?—Yes, it is a good deal for export.

126. Do you know, for example, that at the present time there are probably parading the Strand a lot of sandwich-men wearing the Dutch uniform?—I daresay there are; I have seen men in the streets in foreign uniforms.

127. You have referred to the usages of foreign countries; can you tell us what they do with the view of insuring that disused uniforms should not come into common use; is there any restriction upon their sale?—They punish any man who uses them.

128. That would insure, you think, their going to shoddy?—I know of no better way of preventing their being worn.

129. Take Holland, at the Hague. I suppose there is a regular public sale of uniforms, is there not, without any such restriction?—I do not know.

130. Perhaps you will take it from me that the cast-off uniforms of Dutch soldiers are put on the market without any restrictions, and that they find their way to the Strand and to those other places in London to which attention has been called, where they are in very considerable request at this moment?—Yes, I am glad to hear it because it will relieve the request for our uniforms.

131. What I want to ask you is this: supposing we place restrictions upon the employment of cast-off uniforms of our Army, would we not find ourselves only confronted by a new difficulty (the demand creating the supply) of the foreign uniforms making their way in although they would be so like ours as probably to be hardly distinguishable?—Most of the uniforms that copy ours are made for that end. I do not think they get our old uniforms in the first place; and in the second place, I do not think any foreign country has a uniform which is a "colourable imitation" of ours.

132. Do you happen to know the Dutch long patrol jacket?—No; I know very little about the Dutch uniform.

133. Will you take it from me that it is very like the Hussar's jacket?—It might be, but it is quite a different colour, is it not?

134. Yes?—Then that would distinguish it.

135. I am told that there is parading in front of the London Music Hall in the East End a lot of sandwich men dressed in the Dutch uniform, and presenting a very gay and attractive appearance; that would not be very dissimilar from those we have been hearing of in the Strand?—As long as they are Dutch uniforms I see no objection.

136. You would not go the length of prohibiting the use of any foreign uniform likely to be mistaken for our own, or likely to bring the military uniform into contempt?—I do not want to allow the use of any foreign uniform that is a colourable imitation of ours, but I think there can be very few that are.

Chairman.

137. I see behind you a messenger in a uniform which affords a good illustration as to what has been said about the possibility of making a uniform which shall have a good appearance and yet be distinct from any army uniform; that uniform could not be called a colourable imitation, could it?—No, the colours are different.

Mr. *Crosfield.*

138. Do not the epaulettes prevent its being mistaken, even if the colour were like that of your uniform?—It has the same sort of pattern shoulder-strap that we wear, but it has a different name on, and it is a combination of colours that we do not use.

Mr. *Heneage.*

139. When you speak of grievances you will remember that this is not an inquiry into grievances, but we have a Bill before us, and one or two of your answers are, I think, against this Bill. With regard, in the first place, to colourable imitation, you said you would be satisfied with anything which could not deceive the unwary man; do you mean a military man or a civilian?—I mean either or both.

140. It makes a great difference, does it not, whether a man is a civilian or a military man?—I assume that whoever the unwary man is, he is a man who knows the uniform which he believes he is looking at.

141. May I take it that you would not like a man to wear any uniform which even a civilian who knew nothing about military matters could take to be a military uniform?—If he knows nothing about military matters that is a different thing, because a civilian who knew nothing about military matters might take that messenger's uniform which we have just seen for a military uniform, although it is in no sense a colourable imitation. But provided the man knows the uniform which he believes the uniform he is looking at to be, it would make no difference whether he is a civil or a military man, given the knowledge.

142. With regard to the Volunteers, the uniforms belong to the corps and are turned back into store, are they not?—Yes.

143. And in regard to the Yeomanry, what is the case?—They belong to the corps. The colonel gets an allowance out of his capitation grant, and he provides all the Yeomany uniforms very much in the same way as the Volunteers.

144. Turning to Clause 6 of the Bill, I understand you would object to the saving clause in the second part of Section 6: "And nothing in this Act shall make it an offence to wear the uniform, or any part thereof, or any colourable imitation thereof, of Her Majesty's naval or military forces in the course of a stage play performed in a place duly licensed for the performance of stage plays"; you would object to that exemption being made quite as much as any other?—I do object to it.

145. Do you object to that exemption quite as much as any other grievance that has been brought up?—Not quite so much. I say I should like both, but if I cannot get both I would have the one.

146. I thought you said that with regard to bands; do you apply it also to theatres?—Yes, I say it also with regard to theatres. Every little helps, and if we could get it for the one it might be extended afterwards.

Chairman.

147. Supposing it was found necessary to do something on behalf of the stage plays, we might put in a saving clause that "Nothing in this Act shall make it an offence to wear a colourable imitation in a stage play"?—Yes, I do not want to be hard upon stage plays or anything else; the only point I have really to press forward is that our whole military training is devoted to trying to make a man fond and proud of his uniform, and if the uniform is allowed to be travestied, and in many cases held up to ridicule, the very thing we try to inculcate is rendered nugatory in a very great degree.

Mr. *Woodall.*

148. Would it not meet your view if the penalty was only to be enforced where the uniform was travestied or held up to ridicule?—To some extent.

149. What would be your opinion supposing a provision was made that an actual uniform should not be used in a stage play without the permission of the Commander-in-Chief?—I think we had better leave that to the Examiner of Stage Plays. I should be sorry to place the Commander-in-Chief in the position of a licenser of stage plays.

150. Take, for instance, the Military Tournament; that, of course, was under military direction and control, but in the public mind there would not be very much distinction between one of the performances at the Military Tournament and one of those spectacles to which I have referred at Drury Lane?—I am not a censor of the public mind, but in the Military Tournament the soldiers appear as such and in their proper dress and under proper orders, whereas at Drury Lane they do not.

151. You would not like to reserve to yourself the right of sanctioning the use of the uniform under conditions which you might yourself find unobjectionable?—I should like to accept every protection that the Committee or Parliament will be kind enough to afford us. I do not want to refuse anything. I think I cannot go beyond what I have already said. We want to keep our uniform as sacred as we can, and the nearer we can get to that ideal the better we shall be pleased.

Mr. *Heneage.*

152. May I take it that if a commanding officer allowed any number of his men to appear, as Mr. Woodall suggested, that would have nothing to do with the Act at all, because they would be men wearing their own uniform and with the permission of the commanding officer, so that the Act would not interfere with them?—Before I give an answer to that question I should like to see how the actual Act was drawn; but I think if there was anything in the Act that would prevent it, we should certainly deal afterwards with any commanding officer who allowed it.

153. Then to go back to a question I asked just now, supposing in Clause 6, line 11, you strike out the words "uniform or any part thereof or," and make it read, "shall make it an ofience to wear any colourable imitation of such uniform," and so on; would you be satisfied with an exemption of that sort, or would you still object?—I am like Oliver Twist, I still ask for more.

Mr. *Crosfield.*

154. May I ask whether the word "uniform" implies tunic and trousers; must it be a complete suit?—No, I think not. I do not know how it would be interpreted by a judge, but we call any garment "uniform"; it includes clothing.

155. I want to know whether it is a single garment or whether it must be a suit of clothes?—I should say by the definition of "uniform" in Clause 3 it is a single garment.

Captain *Grice-Hutchinson.*

156. Do you not think that in Clause 6, line 7, on page 2, the words "boots" and "gloves" are somewhat superfluous, and should be struck out?—That is an excepting clause, I think. May I say, with regard to theatres, if the sense of the Committee is very strongly in favour of theatres retaining the right of military representations, perhaps Clause 6 might read "any imitation" without the word "colourable."

Mr. *Heneage.*

157. That is what I meant to put to you, but I think I left in the word "colourable" by mistake?—Yes.

Mr. G. D. A. FLEETWOOD WILSON, C.B., called in; and Examined.

Chairman.

158. YOU are, I believe, Director of Clothing in the Army Clothing Department and a Companion of the Bath?—Yes.

159. You have also held the office of private secretary to successive Secretaries of State for War?—As private secretary or assistant private secretary.

160. Including Mr. Campbell-Bannerman, Mr. Stanhope, Lord Hartington, and Mr. W. H. Smith?—Yes.

161. Will you tell us briefly the general nature of your duties as Director of Clothing?—It includes the provision, supply, and issue to the Army of clothing and necessaries, and the control

Chairman—continued.

of the department which deals with clothing and necessaries.

162. Have you, in your capacity of Director of Clothing or in your capacity of private secretary to the Secretaries of State for War, had the matter that is before the Committee with which this Bill deals brought to your notice?—Yes; almost since I first went to the War Office it has been more or less prominently before the Department, and it has been before me since I have been Director of Clothing at Pimlico.

163. Has it been brought before you as an every-day detail affecting the administration or as a serious grievance?—It has very frequently

cropped

Chairman—continued.

cropped up in the course of ordinary official work, but it has been recognised from the point of view of the Army as a distinct grievance.

164. As one of the serious problems which the military authorities or statesmen ought to deal with?—Of course, I cannot speak for the Army; I can only speak of what has come before me in the course of my official career; and in that sense it certainly has appeared to me to be distinctly a serious grievance.

165. Will you tell us what is the present system with regard to the soldiers' uniform, as to issuing it, wearing it, and disposing of it?—The issue to the Army is made in accordance with the Regulations, which lay down what quantity of clothing the soldier is to have, the issues being annual, biennial, triennial, and so forth. The issue is made in answer to the requisition put forward by each unit; it is sent to them, and up to quite recently the worn-out clothing was returned to the regimental store if at home, and to the Ordnance Store Department if abroad, for sale.

166. To the Clothing Department?—It was either sold locally or returned to the Ordnance Store Department, and the proceeds were credited to the Army funds. Now a new system has been introduced under which the clothing is divided into public and personal clothing; the public clothing is still sold for the benefit of the State; the private or personal clothing is sold for the benefit of the soldier.

167. May I ask whether private clothing would include the tunic, for instance, in any case; or is private clothing confined to underclothing?—No.

168. Does it apply to tunic, trousers, and headdress?—Not the head-dress; the head-dress and great-coats remain the property of the State in any case; they last a long time.

169. Turning to Clause 6 of the Bill, would you mind telling us which of those articles mentioned are public and which private. Great-coats or cloaks, you say, are public?—The great-coat is public and the cavalry cloak would be public. The head-dress I have already noted, and I mention that because I do not quite see how this clause would work; I think it would perhaps be for the convenience of the Committee if I were to put in a list of what is public and what is private or personal clothing. I have not the paper with me at the moment, but I could send it to the Committee, and that would perhaps save the time of the Committee and serve the same point as if I were to try and enumerate the articles now.

170. We shall be glad if you will do so; will you proceed to describe the system of issue as you were about to do?—I think as regards the issue it will be enough to say that the demands of the unit are met and the clothing is issued to the unit. The real point I take it is the treatment of the worn clothing. Under the new regulation the clothing when worn will, at home, go to the contractor who has a contract with the Government for the purchase of the old clothing, and he is bound not to sell it until it is so altered as to be unrecognisable as uniform. The soldier may sell, under the new system,

Chairman—continued.

inter-regimentally to another soldier, but the articles, unless worn absolutely into shreds and used as rags for barrack purposes, will eventually reach the contractor, because the soldier may not sell to anyone else.

Mr. *Woodall.*

171. That restriction upon the sale is limited to England, is it not?—I am speaking now of home. The commanding officer must put the condemned mark (which is a double broad arrow, what is called the bench mark) on every article before it is delivered to the contractor; but he is not supposed to do more than that.

Mr. *Crosfield.*

172. Must that be visible; is it put on the lining?—It does not matter where it is so long as it makes it quite clear that it is a condemned article; that is the system at home. Abroad the commanding officer would be responsible; he will sell it as best he can, there is no particular contractor, but he would be responsible for it, and one of the conditions under which he sells the clothing is that the article shall be so altered as to be unrecognisable as uniform. I think that briefly describes the system under which the old clothing is sold. I do not know whether the Committee would desire to have the actual clause in the contract which binds the contractor.

Chairman.

173. If it is not long we should like to have it?—It is very short: "The contractor shall not, either directly or indirectly, dispose of any tunics, frocks, jackets, or head-dresses as garments, except to Volunteers, unless they have first been so altered that they cannot be recognised as having been used as uniforms of the Regular Army. Any infringement of this condition will render the contractor liable to a penalty of 10*l.* in each case," and with the consequential penalty of probably being struck off the list.

174. Does the present system you have described admit of obviating the evil with which the Bill deals without an Act of Parliament?—I think an Act of Parliament alone will meet this grievance, because we have to consider two other points; one is the Royal Marines, whose uniform is very often mistaken for an Army uniform, there being very little difference between them; and the other is the fact that soldiers returning from India have the right to dispose of their uniforms; they are perfectly free to do so, and I believe in the majority of the few cases where a military uniform has been found to have been improperly used, it has been sold by a soldier returning from India. In India, up to April 1895, the clothing will belong to the soldier.

175. You spoke of the new regulations; will they accentuate the existing difficulty or lessen it?—I think they would tend to increase it even, because hitherto the clothing has been the property of the State, and in future it would be the property of a great number of individuals; and that appears to me rather to open the gate.

176. I think you have read the Bill before the Committee?—I have.

177. If

Chairman—continued.

177. If this Bill becomes an Act, may I ask you generally would it, in your opinion, injuriously affect the working of the Army Clothing Department in any way?—No, on the contrary it would be an assistance to us. I should like Clause 6, perhaps, to be amended a little bit, because of the actual items in it.

178. With the exception of certain items in Clause 6, you think it would assist you?—I do not object to Clause 6, but I should like to reserve that point for consideration; I think, in fact, some amendment would be essential as regards the head-dress, because it is not in the possession of the soldier; he would have to steal it before he could sell it.

179. That is if the contractors observe their engagements?—Yes.

180. Has the department received any protest or remonstrance against this Bill?—A few, not many.

181. What has been the nature of the protests?—Only three, in point of fact, have been received. One of them drew attention to the fact that a purchase had been made of a hussar uniform for the purpose of a band, and the question was asked whether this Bill, if it became law, would oblige the person who was working the band, and had bought a stock of clothing for that purpose, to destroy it all and lose a good deal thereby. Another case was an analogous one; it was the case of a band, without giving the particular instance; and the third was the case of a contractor, who wrote and said: "If I understand it, under this Act it will be impossible for me to provide children's sailor suits, which is my occupation in life"; and the answer was given in each case that it would be open to anybody who had views to present to put them before the Committee. There was also the case of some people who were engaged in getting up a tournament and who objected to the Bill, from the point of view that it would probably interfere with their performance.

182. Can you briefly state what steps have been taken in the past, or are proposed to be taken with regard to the future, to prevent the improper use of uniforms sold to contractors?—Formerly the clothing was the property of the colonel, and the soldier was allowed to keep it when worn out, and about 1872 it was first proposed to make the worn clothing the property of the State. One of the arguments in favour of that change, which took place about 1881, was that it would prevent the country being covered with disreputable people clothed in the military uniform. When the change took place about 1881, and the clothing did become the property of the State, the first two general contracts for the sale of worn-out uniforms left the contractor at perfect liberty to dispose of the article as he thought fit; that is to say, no care was taken to prevent the improper use of uniforms; and I am afraid that was the beginning of the evil, to a great extent. In the contract made in 1885 it was stipulated that blue and scarlet uniforms should not be disposed of as garments in the United Kingdom, except to volunteers or town bands or other recognised bodies, under a penalty of 10*l.* for each offence. Later on the prohibition

Chairman—continued.

was extended to North America, Egypt, and Ceylon; and gradually we have been tightening up the contract clauses in what I may call obedience to the very general feeling against the wearing of uniforms improperly.

Mr. *Woodall.*

183. But only in those regulations was the wearing of uniforms by bands regarded as being free from objection?—I have not got the actual papers here, but I understand that the feeling was that a band would not be likely to bring the uniform into disrepute in the way that a casual wearer of it might do, and no doubt has done. I have heard of a case in my own part of the country where a man appeared as a rough rider in a cavalry regiment, and borrowed money at every public-house in the neighbourhood and seduced girls and then disappeared. I do not think he would have succeeded in doing all that if they had not thought him to be a man of position in a cavalry regiment.

Chairman.

184. The clause which you read just now is the one which binds the contractor, is it not?—Those various clauses, of which I think I need read no more, have been gradually tightened up till we have got to the present one, which is the one that I read just now.

185. He may sell the uniform if he makes it unrecognisable?—Yes; he may not sell them unless they have been so altered that they cannot be recognised.

186. To the best of your knowledge do the contractors adhere to the terms of their contracts, and always make the uniforms unrecognisable before they sell them?—Mr. Moses is the contractor who has the contract for these uniforms. He is a high class man, and I think he does his very best to keep within the rules laid down.

187. Does he take off the buttons, for instance, before he sells them?—I do not think we insist upon the buttons being torn off.

188. Take the braiding across the breast of a hussar's tunic, would that have to be taken off?—The onus is thrown upon the contractor to make it unrecognisable.

189. Would the penalty be enforced supposing it was found he was not doing so?—Certainly. That would not be by me, but by the Director of Contracts.

190. Has there been any instance of the penalty being enforced?—I cannot say. It would not come before me.

191. Who would have to put the law in motion; would it be the Treasury, or the military authorities?—I should think the Director of Contracts would enforce the penalty, and that if it was necessary to go to law to recover the money, the Treasury Solicitor would be moved to take action.

192. You think that would all be done?—I am quite sure of it.

193. You have had some experience of these sorts of matters for a good many years, I believe; how long have you been connected with the War Department?—I have been in the public ser-

Chairman—continued.

vice 24 years. I have been 12 years in the War Office.

194. Speaking with that amount of experience, is there any other remedy you can suggest than an Act of Parliament?—No, I do not think so. I do not see how we can otherwise get at it at all. The opinion has been held by my predecessor and by successive Parliamentary officials at the War Office that we could do nothing more than we were doing. We have no control over outside people.

195. Have you ever had any complaints or representations upon the subject from old soldiers filling the position of messengers?—Very frequently; they feel it acutely, I think. Good old non-commissioned officers are very touchy upon the subject; they resent it very much, especially if it happens to be the uniform of their old corps.

196. I do not know whether you gave us the full history of what steps have been taken to deal with this evil from time to time; you mentioned the contracts, and you said there was a general tendency to make everything more stringent and to tighten the reins; is there anything you have omitted which you would like to mention?—Perhaps I might mention that prior to bringing in the Bill which resulted in the Public Stores Act of 1875 the question was officially discussed as to whether the wearing of soldiers' uniforms by civilians should be prohibited. But the Act did not embody any such prohibition. It has always been distinctly laid down, successive Secretaries of State and Financial Secretaries have agreed, that the War Department as a Department could not do more than it was doing to prevent the improper use of uniforms, and that the only remedy, if the public feeling of the country enabled such an Act to become law, was to strengthen our hands by making it penal for anyone improperly to wear soldiers' clothing. No departmental regulations, in my opinion, would be binding upon persons not in the service; it would be futile to issue departmental regulations which we could not enforce.

197. Assuming that this Bill became law, upon whom would the burden of prosecution rest in the ordinary course?—That is a matter which I cannot give an authoritative opinion upon. I should think whatever department of the War Office was made acquainted with the fact would refer it to what is called technically A. G. 4, which is the Adjutant-General's department, which deals with discipline, and he would ask the permission of the Financial Secretary or the Secretary of State to move the Treasury Solicitor to prosecute. I think that would probably be the case, but I can only say what I think.

198. With regard to stealing uniforms and selling stolen goods to marine store dealers and so on, do you think that this Bill, if it became law, would act as a deterrent against stealing and selling stolen clothing?—I think, obviously, if you reduce the facilities for utilising an article there is very much less likelihood of the article being stolen. At present no doubt a bad soldier is not unfrequently addicted to stealing a comrade's clothing and selling it because there is a ready sale for it. The red cloth,

Chairman—continued.

for instance, without taking into question the actual garment as a whole, has a considerable commercial value for trimming hearthrugs and carriage rugs, and so on.

Mr. *Woodall.*

199. After it has been partly worn?—Yes. Some of our cloth (I say this upon good authority) is practically indestructible. It will always be cloth serviceable for some purposes. Of course it can be pulped.

Chairman.

200. In regard to making the uniforms unrecognisable, in answer to a question of mine you said that cutting off the buttons was not part of the stipulation with the contractor; is it not the case that the buttons form a very distinctive feature in any uniform?—I am not absolutely sure, but I think the buttons are not now removed. I cannot speak with absolute certainty, because it is a matter that comes within the province of the Director of Contracts. But no doubt if the buttons were removed the garment as a garment would be much less likely to be used as such.

201. For instance, the button of the Inniskilling Dragoons would bear the Castle of Inniskilling on the button, would it not?—Yes.

202. Surely that would make the uniform recognisable, would it not?—I would lay the onus of removing the button on the contractor.

Mr. *Woodall.*

203. If the retention of the button made the uniform recognisable the button must go?—The button must go.

Chairman.

204. You would have no objection to that?—Personally none at all. Anything that can contribute to remove the grievance which is incessantly being brought to my notice would of course help me.

205. With regard to the pulping, an impression prevails that the contractors are bound to pulp the uniforms; that is, to grind them all up and turn them into shoddy, is that so?—Speaking subject to correction (because that is really a matter for the Director of Contracts), I am not aware of any such rule; the only rule I am aware of is the one I have read out, which says that the contractor shall not dispose of them as garments "unless they have first been so altered that they cannot be recognised." Obviously, if they are to be pulped, those words would be unnecessary, because they would all be pulped, and if they were pulped they could not be used for these linings of rugs, and so on.

206. In your opinion, what is the general use to which clothing of that kind bought by contractors is put?—I should think it goes out of the country.

207. To tropical countries?—Unless it is used, as I say, for trimming rugs and things of that kind, I should think it goes out of the country. I have a strong feeling (it is only a personal opinion) that the instances in which genuine *boná fide* service garments have been improperly worn

Chairman—continued.

worn are rare. I think the cases in which that has occurred have generally been found to be either Marines' uniforms or uniforms which may have been sold by private soldiers coming from India. Of course, those cases are not very numerous, because soldiers coming home will very often part with their uniforms out in India. I think the other cases have been uniforms which have been made for wealthy (I use the term, of course, relatively) non-commissioned officers, who like to have a very smart tunic, which is not the regulation, to go on furlough in, and they will spend a good deal of money in getting that tunic made as near regulation as they can, only with a great deal more gold on it. When they leave they sell that uniform, as it is their own property. I have never come across a case, since I have been in the department, where it was an actual military garment that was so disposed of.

208. You referred to the Indian clothing as bearing a part in the matter we are considering; the man who returns from service in India of course has received all his clothing under the Indian Army Regulations?—Quite so. In India the system has been what we are now introducing at home; that is to say, the soldier had a right to his clothing. If you take the case of a soldier who was a servant in India, he might have a practically new tunic which he had seldom worn, because the occasions on which they wear the tunic are very infrequent; when he comes home he has a perfect right to sell that tunic in any way, and no Regulation, short of an Act of Parliament, could meet that case.

209. Do not you think that on his reaching England the English Army Regulations should be made binding on him?—So they are as regards any property he gets in England, but this uniform is his property in India, and when he comes home and is discharged he can sell it. How can you touch him?

Mr. *Woodall.*

210. Might not the India Office do for a soldier in India what the War Office does for the English soldier in the way of preventing him selling, except regimentally? They might.

211. It is quite possible, is it not, for the India Office to lay down a Regulation which would preclude the man from selling his uniform in England except under the same conditions as the English soldier?—Yes; I presume so. I should like to call attention to that, because I think Sir Redvers Buller had not got that distinctly in mind when he stated that it was impossible for a soldier to sell his clothing. It would be possible in the case of soldiers returning from India. Sir Redvers Buller, if I understood him rightly, said it would be impossible in future for any soldier to sell any uniform in England.

212. Except to a comrade or in the regiment?—Yes, but that is, strictly speaking, incorrect, because the Indian system will enable the uniform to be sold to anyone the soldier likes; I am anxious that should be noted, because if not, it will naturally appear, if any of these uniforms are seen sold, that carelessness is attributable to the department concerned.

Mr. *Woodall*—continued.

213. The Indian Regulations, as you have described, are contrary to those that have been laid down for the home army?—In so far as they apply to the sale of clothing.

214. You think it is desirable that they should be made identical?—I should not like to say what is desirable for the Indian army, because I do not know the circumstances there; but from the point of view of wearing uniforms in England, if I am correctly informed a man can bring home his tunic and sell it in this country, and there is no control. I think it is essential that there should be some change; otherwise this Bill will be futile.

Chairman.

215. The unauthorised wearing of a uniform by a civilian is made a penal offence by the Indian Penal Code, is it not?—Under Section 140 of the Indian Penal Code liability to fine or imprisonment is imposed on any person who "not being a soldier in the military or naval service of the Queen wears any garment, or carries any token resembling any garment or token used by such a soldier with the intention that he may be believed that he is such a soldier." I have been informed that the real object of that was to prevent extortion from the natives. They have a great regard for a man in uniform, and if a man went in uniform and said he wanted a cow, they might not dare to resist. By Section 171 of the same code, liability to fine or imprisonment is imposed on any person who "not belonging to a certain class of public servants wears any garment or carries any token resembling any garment or token used by that class of public servants with the intention that it may be believed, or with the knowledge that it is likely to be believed that he belongs to that class of public servants."

216. Have new tenders been recently invited for the purchase of disused uniforms?—I think the contract with the contractors is a triennial one. I cannot tell off-hand, but I think it would be about now that the contract would be renewed.

217. No more rigorous stipulation, I suppose, has been made in this new contract?—This clause that I have read to you, I understand, is the newest, so to speak. They have been gradually tightened up.

218. Then this year the stipulation is more stringent than three years ago?—Yes, if that is the clause in the present contract. At all events the next contract, if it is not the present one, will be slightly more stringent.

Mr. *Woodall.*

219. You have been instructed, have you not, to have regard to the pledge given in the House of Commons to that effect?—Yes. You, yourself, I believe, in your official capacity, drew attention to the fact that a pledge had been given to Parliament, that every care should be taken to try and prevent the improper wearing of military uniforms; and I then ventured to make a reference to the Minute which I had previously had the honour of addressing to you in your official capacity

Mr. *Woodall*—continued.

in which I said that I agreed with the Adjutant General that legislation alone would meet the case; and in my opinion it is all the more necessary under the new system. Then I believe you, yourself, referred to the Director of Contracts as to what should be done, and he reported to you that all clothing, whether previously sold inter-regimentally or not, would eventually find its way into the contractors' hands, and if the regulations laid down in the contract were properly adhered to, it appeared to be pretty sure that the clothing would not get into improper hands, or be put to improper uses.

Mr. *Bennett.*

220. I think 1885 was the date of the last contract to which you referred, and in that contract there was, as I understood, an exception in favour of town bands?—Yes; an exception was made in the case of Volunteers and town bands; there can be no objection to my saying this, because there of course it appears in the contract, and it would be public property.

221. Has that exception been continued up to the present time, practically?—In answering your question, I speak subject to correction, because the actual question of the contracts does not come within my province; but speaking subject to correction, I should say the exception in favour of town bands was subsequently knocked out.

222. Therefore it is not in operation now?—Quite so.

Mr. *Crosfield.*

223. Would you define what is meant by town bands?—It is almost impossible for me to undertake a definition of the term.

224. But in this particular case would it mean the band of a public authority?—Yes, I should think so, because the wording of the clause implies that it is a recognised body; it does not apply to an ordinary street band, but a band appertaining, say, to the corporation, or a county council band.

Mr. *Bennett.*

225. In regard to this question of the abuse or degrading of the Queen's uniform, I think I gathered that the idea in the official mind was that that was much more common and objectionable when individuals were concerned, than in the case of any organised bodies of individuals, such as bands?—No doubt that would be the view taken; but I should like to say again that I have no authority or right to speak as to the value of this sentiment. That the sentiment exists, and that it is a strong one I am aware of, because it is constantly brought to my notice, and has been for the last 20 years; but further than that I cannot say. Whether the wearing of a uniform by a band is less objectionable than the wearing of it by Sandwichmen is a matter of individual opinion and feeling. To give an illustration, I saw at a race meeting the other day, a sailor with one leg who had got the Tel-el-Kebir medal and Egyptian star, as well as the Afghan medal, and the Roberts' march star. I believe I have known that man for 25 years, and to my knowledge he has only had one leg for 25 years, and

Mr. *Bennett*—continued.

yet he was wearing all those decorations. I can quite understand that a man who had earned those medals at the risk of his life would have a very strong feeling against this man's wearing them. That is the kind of sentiment that exists.

Chairman.

226. Could not such a man be dealt with as a rogue and vagabond?—No, I think not, because he was playing a barrel organ and fairly earning his livelihood.

Captain *Grice-Hutchinson.*

227. But he has no right to wear the medals?—Yes, he has in the eye of the law. Anyone can wear a medal, in the eye of the law. There is no law at the present moment to prevent a man from dressing up in my uniform with the decoration which I have the honour to possess, and going to the Lord Mayor's Dinner and calling himself by my name.

Mr. *Woodall.*

228. Or rather by your title?—Yes; either. There is no legal right to a name, as appeared in the celebrated Norfolk-Howard law suit.

Captain *Grice-Hutchinson.*

229. I understood you to say that as regards a condemned uniform the commanding officer puts a mark upon it, and it goes to the contractor's?—That is the case with the uniforms at home.

230. Take the case of a soldier leaving the Colours and joining the Reserve; assuming he has a new tunic, what becomes of it?—He must sell it regimentally, with the permission of the commanding officer to another soldier; or if he does not do that the State will advance to him the value which the contractor will pay for it.

231. A private sale of that sort, then, does not go through the contractor?—No; the garment may eventually go to the contractor's, when it is sold again by the other soldier and goes into the sale shed.

232. You do not know what the contractors do with the garments, do you?—The good ones mostly go abroad, I think.

Chairman.

233. Is there any other point that you would wish to call the attention of the Committee to?—I may call attention to one point with regard to Clause 4, which says: "It shall not be lawful for any person not serving in Her Majesty's naval or military forces to wear the uniform or any part thereof." It would be well that it should be distinctly understood whether or not a reservist, when he goes to the reserve, comes within that clause.

234. You will find in the preceding clause that naval and military forces are defined as including the reserve?—Then that, I presume, would meet the point.

Mr. *Heneage.*

235. With regard to the sale of uniforms, I understood you to say there is nothing in the world to prevent a uniform being sold by troops returning from India?—I did not say quite that. What I say is, that if a man is discharged in India,

Mr. *Heneage*—continued.

India, and comes home, there is nothing to prevent his selling his uniform; but you must not take what I said to apply to the case of a whole unit coming home and parting with their uniforms.

236. Quite so; that is what I meant. With regard to uniforms which are served out but which are very little worn by men in the regiments, who are servants, waiters, cooks, and so on; they do not wear their uniforms perhaps a dozen times a year, I suppose?—I am afraid they do not.

237. They are at liberty to sell those uniforms again, are they not?—They will not be now; they will only be allowed to sell them regimentally, that is to say to a comrade or to the regiment.

238. Has there not been a new order within the last 12 months dealing with that subject?—Yes; that is the new system.

239. Under the old rule uniforms were served out on a given date, were they not?—There was an annual issue on the 1st of April.

240. Uniforms were issued under the direction of the company or troop officers, and fitted on the men, and they had then to send in their old uniforms into store?—Quite so.

241. Now is it not the fact that under the new regulation a discretion is given to the commanding officers of squadrons or companies, so that if a man has preserved his uniform well the commanding officer can give him a further extension of three or six months whereby he will be saved the expense of buying a new uniform?—Yes; he gets money-compensation for it.

242. Does that in any way affect this particular question?—I do not think it does; it is a system that has cost the country some money, but it was a very just one, and one which I was very glad to see introduced. I think it is calculated to improve the general tone of the Army, and it is a distinct advantage to the soldier. I do not think it bears very specifically upon this Bill, except that, as I say, when you have the the clothing in the possession of a number of people you are more liable to have leakage.

Mr. *Woodall.*

243. The change, as I understand it, is this: that formerly the soldier had no property in the uniform that was served out to all the regiment regularly on a stated day, whereas now the new clothing is distributed according to what is called the soldier's birthday?—Yes, according to the time of his enlistment; there is no fixed date for the whole regiment.

244. The soldier now holds the property in the uniform, and by economy and care he may make his uniform last as long as it is capable of being worn, and he profits in pocket personally by the economical use of that which is now his own property?—That is so.

245. But still it is strictly laid down that though the property in the clothing is his own, he can only dispose of it regimentally under the regulations?—Yes; I think these regulations were those which the honourable Member himself closely examined with a view to seeing that there should be no possibility of improper use being made of the uniforms.

Mr. *Heneage.*

246. As regards Clause 4 of the Bill, could you suggest any other words better than those which occur there, "or any colourable imitation thereof"; what would you say to the following words, "or assumes the appearance or distinctive marks on any imitation thereof"?—I was wondering whether it would be possible to invert it, and to say that certain penalties would be attached to such colourable imitation as tended to bring discredit upon Her Majesty's uniform. Sir Redvers Buller as I understood him, and the Army, would no doubt go much further than the ordinary civilian would in that matter, and a great many military men object to the colours being imitated, although, as I understood, Sir Redvers Buller did not object to that; it is a question of degree. I think it would be an advantage if you could leave it to the magistrate to decide what is a colourable imitation which would bring discredit on Her Majesty's uniform, just as the magistrate often has to decide whether a particular act creates a disturbance. Speaking for myself, I do not think the word "colourable" is workable.

247. Do you think it would be better to have a schedule of the uniforms that should not be worn, instead of having a general statement just as there is in the three first lines of Saving Clause 6?—I think that would be quite unworkable. In our Army we have a great variety of uniforms; most of them have got small distinctive marks, badges, and so forth, with very often very slight differences; and I do not see how you could do more than indicate that the uniform *quâ* uniform was not to be used.

248. I did not mean to suggest that you should put in all the facings and so on into the schedule. But what I mean is that instead of putting in these word, "great-coat, cloak, trousers, boots, gloves, head-dress or cap," &c., you should put in what they are not to be allowed to wear; for instance we will say, "tunics, head-dress, overalls," and so on. I think that would cover what you call "public uniform," would it not?—As I understand, your suggestion is to insert what may not be worn instead of what may.

249. Quite so; so that whatever is not put down in the schedule the soldier might wear?—Yes. I think that schedule would require emendation in any case, because the matter of great-coats and head-dresses would have to be reconsidered.

Mr. *Woodall.*

250. I suppose you would not contemplate with any particular aversion the idea of the soldier's clothing making its way to be used up in uniforms for bands of different kinds about the country; bands must always want a dressy, showy uniform, something in the nature of the military uniform, I suppose?—Sir Redvers Buller, so far as I understood, did not take that view, but I should have thought that if you dressed a bandsman in a Guardsman's tunic, a Hussar's pantaloons, and a Dragoon's helmet you could not very well say that he was dressed as a British soldier; but I know that that would not meet the sentiment of the Army.

Mr. *Heneage.*

251. Would it not be said that you were bringing all three regiments into contempt by so dressing up the bandsmen?—It depends upon how one views these things.

Mr. *Woodall.*

252 Do you happen to know what becomes of the clothing of the Chelsea Pensioners?—No; I think it is their own property.

253. Have you followed with any kind of interest in the course of these investigations the fortunes of the Queen's livery?—No.

254. You know, do you not, that like the military uniforms they are very much in request in the market?—I believe they all go abroad. I have understood that they go to Africa. I was told that some of the Queen's liveries, especially those of coachmen, were largely used in circuses.

Chairman.

255. Have you any papers that you wish to hand in by way of elucidating the points you have referred to?—I could hand in various Orders if the Committee wish it; but I do not think they would add anything to what I have said.

Captain *Grice-Hutchinson.*

256. Have you put in the new regulation?—I could give you the new system perhaps. I have it before me in a very brief form.

Chairman.

257. Would you hand it in?—I do not think I should care to hand it in, because I have not drafted it from that point of view. I do not know, however, that I need take up the time of the Committee by reading it or by putting it in; there is really not much more here than what I have already told the Committee.

Chairman—continued.

258. Increased stringency is, as I gather, the general effect of it?—I should merely like to say that the new regulation in regard to the issue of clothing and the retention of the clothing by the soldiers will be of undoubted benefit to them, and though it cost the country some money it has been coupled with every safeguard which departmentally we can bring to bear to prevent the improper use of the uniforms. More than that I do not think I can say.

259. But, in spite of that, you think an Act of Parliament is required if more is to be done?—In spite of that, I am of opinion that if you want to secure what the soldiers want you must have an Act of Parliament. Perhaps I might add that I asked for a statement showing what was done with the old military clothing in various countries, and I learn that practically it is all used up regimentally in every country; but in Austria there is a clause providing that the cloth is to be cut up so that it cannot be made up into uniforms. That is the only country, so far as I have been able to obtain information, that has that rule. But, of course, in foreign countries they are very much more economical with their uniforms, and very little remains that could be disposed of when they have done with them.

Captain HENRY D. BARRY, R.N.; Examined.

Chairman.

260. You appear, I believe, before this Committee on behalf of the Admiralty?—Yes.

261. Will you kindly tell us what office you hold at the Admiralty?—Assistant Director of Naval Intelligence.

262. Have you had your attention called to the general subject with which the Bill before the Committee deals?—Yes.

263. Are you prepared to hand in any papers or to make any statement, or shall I proceed to ask you a few questions?—I think, perhaps, if I stated what the general idea of the Admiralty is it would simplify things somewhat.

264. Will you kindly do so?—In the first place, I may say the Navy is on a totally different footing from the Army in this respect: the clothes belong to the men, they buy them, they make them and they are their own private property in every way. The Admiralty do not exercise any control whatever with regard to the clothes, except so far that a man must have a proper kit which he keeps up at his own expense. If he leaves the service, or, to take an extreme case, if he is dismissed the service with disgrace, he can wear his clothes, he takes them away with him; they are his own, and no one has any right to them but himself.

265. Does that apply to all ranks?—Yes; they give a boy a small outfit to help him to start; but practically the clothes are the men's own.

Chairman—continued.

266. Does what you say apply also to the petty officers?—Yes; it applies to everyone just the same.

267. You are no doubt aware that complaints have been made of the uniform being worn by unauthorised people. You know that the evil exists more or less, no doubt?—Certainly.

268. Have you heard of such cases as the one referred to in the evidence of to-day, of bookmakers appearing on a race-course dressed in naval uniform?—I should think it is rather a question whether they dressed in naval uniform, because there are so many seafaring uniforms that are almost the same. For instance, the other day a man was pointed out to me as wearing a naval uniform, but it was really nothing of the sort; but it was such a uniform as an ordinary non-expert would take to be a naval uniform; and I suppose if a non-expert takes a thing for the real article, it would be a colourable imitation, to use the words in the Bill.

269. Do you happen to remember the case of the sandwich men parading the Strand, who were dressed in more or less correct naval uniforms?—I have heard of it. The Admiralty are anxious that the wearing of the uniform should be prohibited

Chairman— continued.

hibited in any case where it tends to bring discredit upon the naval service; but beyond that they do not wish to go, because if you prohibit the wearing of the naval uniform you practically prohibit the wearing of any seafaring uniform, and it would seem undesirable in a maritime country like England to restrict the proper use of this dress.

Mr. *Heneage.*

270. When you speak of seafaring uniform, do you mean the dress of the sailors of the mercantile marine service?—I mean yatchsmen and the men employed on the great lines of steamers, for instance.

Chairman.

271. Is there not this great distinction that in the Queen's Navy there is a full-dress uniform and an undress uniform, whereas in the mercantile marine they have no full dress with epaulettes or anything of that kind, have they?—No.

272. It would be quite impossible to prohibit the wearing of seafaring uniforms, I presume?—You mean the dress of the ordinary bluejacket.

273. Yes?—Of course the naval uniform is a seafaring uniform in several forms. A bluejacket wears numerous different dresses.

274. However, as I understand, generally speaking, the wish of the authorities of the Admiralty is to put a stop to anything that brings discredit upon the service?—Entirely, that is their view.

275. That being their view, is it not very difficult to deal with?—Very difficult. It is very hard indeed to deal with it.

276. But you think it would not be impossible to prohibit it in certain cases?—No, I think it would be quite easy, for instance, to prohibit a sandwich-man from wearing the uniform; it does not tend to raise the service whose dress he imitates.

277. Would you propose to put in the schedule of the Bill or describe in a clause what he must not wear, or would you leave the burden of decision with the authority before whom he is brought?—I would leave it to the authority before whom he is brought to decide whether he was bringing discredit upon the service or not. But, if for instance, you were to prohibit the wearing of the uniform generally, you would be prohibiting the wearing of the most popular dress in England for most boys of between five and 10.

278. To such a wearing of the naval uniform as that I understand you have no objection?—No; I think the Admiralty would think that imitation is the sincerest form of flattery in many respects.

279. That remark, of course, does not apply to the case of sandwich-men, but very much the opposite?—Yes.

280. Are you able to speak for the Marines?—The Marines are practically on the same footing as the Army; their clothes are supplied by the Government, and I cannot speak of them at all.

281. You may have heard that Marine uni-

Chairman—continued.

forms are worn in this objectionable way?—Yes.

282. And those cases have been brought to the notice of the Admiralty, who have referred the matter to the Marine Office?—There have been cases; but, of course, the Marine uniform is practically a military uniform; not one in 20 of the ordinary outsider knows the difference between the two; it is practically the same. I think anything that applies to the soldier would apply to the Marine.

283. May I ask whether you have read the Bill we are considering?—I have.

284. Have you any general observation you would like to make upon it?—No, except that I think it really concerns the Admiralty very little. They have no control over the clothes except with regard to pensioners. After a man has completed 22 years' service he gets his pension, and that is only held during good behaviour. There was a case a few years ago of a pensioner who put on his uniform and was begging in the street; they stopped his pension, and he stopped begging, and then they gave him his pension again; but they cannot do that in the case of men who take their discharge after ten years' service. If a man enlists for 12 years, as it is now, and then takes his discharge, he can go on wearing his uniform if he likes.

285. Are the Coastguard upon the same footing as the rest of the Royal Navy as regards clothes?—Yes, practically the same, except that they do not get their pension so soon. But to sum up the Admiralty view, they are very anxious that the use of the uniform by sandwichmen and performers of that style should be prohibited, but they are not anxious that ordinary respectable people who wear sailors' uniforms, such as the men on the lines of steamers or yachtsmen, should be interfered with.

286. With whom would you wish to interfere?—Sandwich-men and processions in the street for the purpose of advertising.

287. You would wish to stop anything that brought the uniform into discredit?—Yes; anything that brought it into discredit, but I do not consider that a stage play does bring it into discredit, because they always put the bluejackets in a very heroic position; it is rather flattering than otherwise.

Mr. *Heneage.*

288. So far as this Bill is concerned it would not suit the view of the Admiralty at all, would it?—It would go rather beyond their view as regards prohibiting the wearing of uniforms, or colourable imitation of uniforms, to everyone except those in the Navy.

289. You are willing, as I understand, that naval uniforms should be worn in plays at the theatre?—Yes; I do not know that anyone objects to that very much.

290. Are you willing that it should be worn by bands?—I have heard no objection to that.

291. In fact, your only objection to the naval uniform being worn is when it is brought into contempt or degraded in the streets or otherwise?—Yes. If the members of a band were the worse for liquor and playing tunes in the street,

that

Chairman.

that might bring the uniform into contempt; and anything that brings the uniform into contempt the Admiralty would dislike naturally.

292. Would you include the case of an ordinary gentleman going to a fancy dress ball in an Admiral's uniform, with decorations, should you not say he brought the uniform into contempt, although he might be perfectly well behaved?—It is a matter of taste on his part. I should myself say he brought himself into contempt more than the uniform.

293. Would you punish him if you could?—Personally I should.

Mr. *Heneage.*

294. Speaking the view of the Navy, so far you have limited your objection to uniforms being worn where they were brought into contempt and degraded?—Yes.

295. Therefore you would want a separate clause dealing with naval uniforms; they would have to be exempted from the Bill as it now stands, would they not?—I think not, speaking from what I know of the Bill from having read it.

296. Let me read you Clause 4: "It shall not be lawful for any person not serving in her Majesty's naval and military forces to wear the uniform." You are willing that they should wear the uniform, provided they do not bring it into contempt?—I think so; I was referring more especially to the bluejackets' uniform, the sailors' uniform.

297. The naval uniform would have to be exempted from that clause, would it not?—Yes.

298. You would have to have a separate clause?—If you left that clause as it is, you would prohibit all the children in England wearing a naval uniform; the Admiralty do not wish to prohibit that.

Captain *Grice-Hutchinson.*

299. It is a good advertisement, I suppose?—It is cheap and comfortable, and it is a good dress; I think it would be very unpopular in most watering-places to prohibit the wearing of it.

Mr. *Bennett.*

300. I suppose, in the official mind, a reasonable and proper use of a colourable imitation of the naval uniform would be looked upon as increasing the popularity of the naval service?—If it were done in a proper way. The Admiralty have no very strong feeling upon the subject.

Mr. *Heneage.*

301. There is no real sensitive feeling about it in the Navy, such as there is in the Army?—No.

Chairman.

302. It has not assumed the same dimensions in the case of the Navy, has it?—No.

302*. It is a very unusual thing that the naval uniform is worn by such people as this Bill refers to, is it not?—Very unusual. It is practically only the children. It is the most popular dress in England for children, and the cheapest and the best.

Captain *Grice-Hutchinson.*

303. What becomes of a man's clothes when he leaves the Navy?—He may sell them as he likes. On board ship, of course, we do not allow them to sell them.

Major *Rasch.*

304. May I take it that the real reason why you do not object to the naval uniform being worn by bands is because the naval uniform is hardly ever worn by bands, is not that so?—It is very seldom worn by bands.

Chairman.

305. May I put the case of a band dressed in naval uniform with the name of a ship, say the "Alert," on their caps (as little boys have), marching round the town and getting drunk; would you think that objectionable?—Yes, that would bring the uniform into contempt.

306. Even apart from their being drunk?—Yes, it would be objectionable.

307. Is there any other observation you wish to make, or any statement you wish to hand in?—No.

Thursday, 28th June 1894.

MEMBERS PRESENT :

Mr. Brookfield.
Mr. Bennett.
Mr. Crosfield.
Mr. Heneage.
Mr. Hutton.
Colonel Naylor-Leyland.
Sir Thomas Robinson.
Mr. Sweetman.

MR. BROOKFIELD, IN THE CHAIR.

Superintendent WILLIAM DAVIS, called in; and Examined.

Chairman.

308. WHAT office do you hold in the Metropolitan Police?—I am Superintendent of the executive branch of the Commissioner's office.

309. You are aware, I presume, of the general subject of this inquiry?—I have read the Bill some week or two since.

310. The Bill is aimed at dealing with the unauthorised wearing of uniforms of various kinds; have you, in your police capacity, seen uniforms improperly worn?—I have seen uniforms worn, but I cannot say they have been improperly worn, so far as the police regulations are concerned.

311. Have you seen uniforms worn by persons who were evidently not soldiers?—Yes; constantly.

312. What sort of people have you seen wearing these uniforms?—Men of the ordinary "sandwich-man" type.

313. Are they generally sandwich men?—Generally sandwich men. Sometimes the sandwich men are being conducted about by persons in the uniform of officers. I can refer to one case where a considerable number of men in the uniform of French infantry soldiers carrying sandwich boards were conducted by some four or five men in the uniform of French officers.

314. Did you see the case that was complained of some time ago of men in the uniform of the English blue-jackets marching about with a man dressed as a naval officer escorting them?—I have seen that case. I met them myself on Westminster Bridge; there was a man in the uniform of an admiral, I believe, with some four or five rings on his arm.

315. That is no offence against the police regulations or against the law, so far as you know?—So far as I know, it is not.

316. Unless they cause an obstruction or create a disturbance, it is no offence?—Not unless they come under the notice of the police in some other way which would make them amenable to the law, or would render them liable to be

Chairman—continued.

arrested as disorderly persons, or as causing an obstruction

317. To go to a kindred branch of the subject, can you tell me whether you have any power to arrest a man for wearing the dress of a policeman?—We have, under certain circumstances.

318. That is to say, if he is trying to procure entrance to inclosed premises, or doing something which he would not otherwise be entitled to do?—The 2nd and 3rd Victoria, chap. 47, Section 17, provides that every person not being a constable of the Metropolitan police force who shall put on the dress or take the name, designation, or character of any person appointed as such constable, for the purpose of thereby obtaining admission into any house or other place, or of doing or procuring to be done any act which such person would not be entitled to do, or procure to be done of his own authority, or for any other unlawful purpose, shall, in addition to any other punishment to which he may be liable for such offence, be liable to a penalty not more than ten pounds. Last winter I constantly met on Westminster Bridge a man dressed as a policeman, followed by another man dressed as an infantry soldier of the line, another man dressed as a blue jacket, and another in a full clown's dress, carrying sandwich boards. I should have interfered if I had had authority to do so. It was an advertising draper in Westminster Bridge-road who had sent them out. The four men paraded the streets with sandwich boards. The first man was dressed as a constable, who was, I imagine, supposed to clear the way; the next was dressed as an infantry soldier in a red coat, without any distinguishing mark of the regiment; and the next was dressed as a blue jacket, followed by a circus clown in full costume. I may say I have also seen men in the streets in the dress of convicts, sent out, no doubt by some advertising theatrical lessee or manager.

319. You are powerless to deal with the case

Chairman—continued.

of a man who is simply dressed as a constable on duty, walking up and down the pavement?—Quite so.

320. Have you ever had any complaint of such a thing being done, or of any outsider being dressed as one of the constables?—The fact has only been noticed incidentally that it is very difficult sometimes to distinguish the uniform of the London County Council officers or park-keepers, and also the railway policemen from the Metropolitan police officers. Occasionally complaints have been made against police officers which have been practically proved eventually to have resulted from the wearing of our uniform. It has been said in explanation that a police officer of the Metropolitan Police was not at such a place at the time mentioned, and that it could not have been an officer of the police, and it would probably turn out on inquiry to have been an officer of the County Council, or a railway police officer.

321. Do you think it would facilitate the London police in the discharge of their duties if there was a statute passed forbidding any irregularity of this kind?—I think it would, and there is very little doubt the enactment I have referred to anticipated this difficulty, and proposed to deal with it to some extent.

Colonel *Naylor-Leyland.*

322. In your experience have you ever met with anyone who has mistaken a person so dressed in any uniform for a soldier; can you name any one instance in which any one person has mistaken such a man for a soldier?—I cannot say that I have.

323. Could you name any one instance where a person who was dressed as a policeman, as you have described, has been mistaken for a policeman?—I should say the matter would hardly come under my notice in that connection; but I have not the slightest doubt that persons are constantly appealing to officers of the London County Council and to officers of the railway police, under the impression that they are Metropoiltan police officers.

Chairman.

324. There is a person who is generally to be found near the Shaftesbury Memorial, dressed as a constable. I suppose he must frequently have been mistaken for a constable?—I should say he is appealed to as being a police officer scores of times a day. I have no doubt if it were desired, I could obtain information upon that point. But of course an officer of that sort would immediately say to a person who spoke to him: "I belong to the County Council, but if you go over there, there is a policeman who will tell you what you want to know."

Colonel *Naylor-Leyland.*

325. Still the County Council officer and the park-keeper has got a distinct uniform of his own. A person might be ignorant enough to mix up the two uniforms, and mistake a park-keeper for a policeman; both are wearing uniforms which they are authorised to wear?—When I mentioned the park-keepers of the County Council, I referred to the men who are all dressed like police officers, such as you see on the Embankment, at Peckham Rye, and at Hampstead Heath. They wear the uniform of the police; and if I saw one at the end of the corridor here, I should not know whether he was a policeman or not, until I got sufficiently near to see the letters "L.C.C." on his collar.

326. Those officers have got certain duties to perform very akin to police duties, have they not?—They have, in a certain sense. They have certain prerogatives and powers in regard to the parks and public places akin to those of the police.

327. So that in order to denote their official character it would be well, would it not, for them to wear a distinct uniform?—I should think so, just as it would be for a park-keeper to wear a red collar to his coat, or a gold band on his hat, or something of that kind.

Mr. *Crosfield.*

328. Is it the fact that what are known as the railway police are really not policemen?—They have certain duties, responsibilities, and powers under the bye-laws of the railway companies, but they are not police officers.

329. They are to keep order in the station, but they cannot arrest; is that so?—They have no powers by which they can act outside the premises of the railway company.

330. Do you know as a matter of fact there are officers round these buildings who, to most of us, would appear to be police officers from their dress, but who are really not police officers?—I do not.

331. Do you think there is any great disadvantage in having responsible persons such as I have indicated, dressed in a uniform that nearly approaches but is not identical with the police uniform?—I think they are often mistaken for constables and that in itself is a disadvantage.

382. Have you been in the military service yourself?—I have.

333. Then you are familiar with the uniforms that are worn?—To some extent; but it is many years since I was in the service.

334. You would detect the imitation more readily than others?—I should.

Sir *Thomas Robinson.*

335. Do you think it is detrimental to the public interest that these park-keepers and County Council officers should be dressed in the uniform you have described?—I think it is because people go to them for assistance which they cannot afford.

336. Does it not in some way assist all those who are interested in the preservation of good order; they are all working with the same object in view, and if they cannot themselves execute the requests of the people who go to them, they can put them in the way of finding the public official?—Yes, they can.

337. Apart

Mr. *Hutton.*

337. Apart from the question of the County Council officers and the Railway Police, is there any class of men besides sandwich men whom you have to complain of as regards the wearing of uniforms?—None at all that I am aware of. In fact I thought the Bill really applied to sandwich men, or at any rate that it affected them principally.

Chairman.

338. Is there any statement you would like to make to the Committee, or any paper you would wish to hand in?—I could hand in the Police Regulations if the Committee desire.

Chairman—continued.

339. Do they deal with this subject specially?—No, they only show the powers of the police with respect to advertisements and the regulations made under the Metropolitan Streets Act as to sandwich men.

340. Will you hand that in?—Yes (*handing in the same*). The regulations refer to the Act of the 16th and 17th Victoria, chap. 33. I also hand in an extract from that Act. The Metropolitan Streets Act and the Act of the 16th and 17th Victoria are the two Acts by which we regulate the sandwich men and deal with advertisements generally within the Metropolitan Police District.

Mr. JOHN JAMES SEXBY, called in; and Examined.

Chairman.

341. WILL you say in what capacity you attend this Committee?—I attend here as Chief Officer of the Parks and Open Spaces Department of the London County Council.

342. Are you a paid official?—Yes.

343. Do you take your orders from the Parks Department?—From the Parks Committee. We are directly under the Parks Committee, who report all their acts to the Council.

344. They are, I presume, one of the Committees of the main body?—Having the management of all the Parks and Open Spaces under their jurisdiction.

345. Does the management of the bands come under them: there are some bands employed by the London County Council, are there not?—Yes, we have a band.

346. Only one band?—We have one band consisting of 92 performers, which we divide into three or four sections, according as we want them to play in various parts of London.

347. In what capacity do those bands play; are the members of the band in permanent employment all the year?—No; they are engaged for three months during the summer to play at various places.

348. Do they wear a distinctive dress?—Yes.

349. Who selected for them the dress which they at present wear?—Their present dress was partly suggested by myself to the Committee and adopted by them.

350. It was not suggested by the bandsmen themselves?—It was not. I may take the responsibility of it upon myself.

351. You thought it desirable that they should wear a distinctive dress?—I think it is necessary, because it makes the band more attractive and the public appreciate it more.

352. You selected a scarlet uniform?—Yes; I thought it would look better amongst the green trees and grass; it would be a contrast.

353. It is a scarlet jacket with yellow facings, is it not?—They have yellow facings round the collar and on the cuff.

354. Who selected the uniform for the leader of this band?—That was done at the same time.

Chairman—continued.

355. Would you describe his dress?—He wears a frogged blue frock coat with a red waistcoat and a cap with a gold band.

356. The cap is heavily embroidered with gold, is it not?—Yes.

357. Very closely resembling that of a colonel on the staff of the army? May I ask you whether in your undoubted right of selecting a uniform for these men, it occurred to you that you were invading the unwritten privileges of any body of men, or giving offence to any body of men?—No; we did not think so.

358. Has it since occurred to you?—It has occurred to me since that the uniform is similar to what you see in some regiments.

359. But you think you had the right to select any uniform that you thought most becoming?—We were not aware that we were breaking any law.

360. Nor were you?—Nor that we were doing anything to give any offence to anybody.

361. It was not your wish to give any offence?—Not the slightest.

362. And you would not wish to do so now?—No.

363. I may take it you simply selected this uniform because you thought it the smartest, without wishing to give any offence to anyone?—Quite so.

364. May I ask whether anyone is responsible for the uniform being neatly worn and kept clean?—The various bandmasters or conductors would be responsible for that.

365. Do they receive a salary?—They do.

356. May I ask what sort of pay they receive?—The conductors get six guineas a week.

366. During the time they are playing?—During the three months.

368. Some of them, I take it, are old soldiers themselves?—Yes, most of the men in the band are old military bandsmen.

369. If, for instance, we saw one of those men with ribbons on his breast, the inference would be that he had fairly won them?—Yes, I think so; indeed, I have not the slightest doubt about it.

Mr. *Crosfield.*

370. Do you consider that you would be aggrieved if this Bill passed into an Act as it stands; would it necessitate any alteration in your uniform?—If the Bill passed in the present form it would necessitate our abolishing our present uniform and substituting some other which would be in accordance with the Act.

371. You consider that a slight alteration in your uniform would not effect the object?—We should have to entirely abolish the uniform and adopt something else; because I do not think we could slightly alter it to evade the Act.

372. Had you any consultation with the military authorities when you devised that uniform?—None whatever.

373. Do you find that the old soldiers employed in your band have any objection to use a uniform which is like that which they were accustomed to wear in active service?—None whatever; in fact I think they prefer to play in a uniform of some sort, so that the band may be uniform in their appearance, and smart too.

Sir *Thomas Robinson.*

374. Have you had any complaints made about the uniform of the band being worn?—None whatever.

Mr. *Bennett.*

375. I should like to ask if in any instance since your band was established it has come to your knowledge that they have been mistaken for a military band?—I have never heard so. Anyone who gets close enough to them can see distinctly that the buttons have the words "Parks Band" stamped on them.

Chairman.

376. How long is it calculated that these uniforms will last?—With care they ought to last two seasons; that is, two summers.

377. If this Bill, or a similar Bill, provided that at the end of two years a change must be made, which would prevent your uniform being any longer worn, as being a colourable imitation of the military uniform, there would be no hardship on the score of expense, would there?—No; there would not on that score.

378. You said no complaints had been received. How long has this band been in existence in this dress?—This is the second season they have played in this uniform.

Mr. *Crosfield.*

379. Did we understand you to assent to the remark that was made, that your leader might be mistaken for a staff officer?—No; I did not say that, and I do not think it would be so; because anybody who knows a staff officer's dress would at once detect the difference between the two. A staff officer wears on his shoulder his badge of rank, and you do not find anything approaching to that on the dress of our band leader; it is simply a plain cord, without any attempt to show anything of a badge.

Chairman.

380. Have you any statement or suggestion to make, or paper to hand in?—No. I have brought with me a description of the uniform worn by our men in various services. I do not know whether the Committee would like to have that.

381. Will you hand that in?—Yes (*handing in the same*).

Mr. *Hutton.*

382. I suppose you are acquainted with bands in the country, as well as with this particular band?—I have been acquainted with bands in other capacities some years.

383. Do you think it would be any hardship to prevent private bands wearing clothes which have been worn by soldiers or officers in the army?—Of course there are many ways in which you can dress up a band other than in a military uniform which would make them look pleasant and attractive. There are many continental bands which one could copy or follow the example of, which would probably make the band look attractive.

Chairman.

384. I observe in this paper which you have handed in you say there are four "sergeants" in the County Council Band who wear chevrons on their shell jackets?—Yes.

385. May I ask why they are called sergeants?—To distinguish them in their sections; one sergeant takes charge of each section.

386. Is not "sergeant" a definite distinction of rank which a private soldier earns by good conduct?—We have "sergeants" also in the Metropolitan Police.

387. They are in the service of the State. However, I observe these men are called "sergeants," and wear sergeant's stripes in addition to scarlet and yellow facings?—Yes.

Mr. GEORGE SANGER, called in; and Examined.

Chairman.

388. ARE you proprietor and manager of the celebrated circus known by your name?—Yes, and the founder.

389. You have read the Uniforms Bill, which this Committee is inquiring into?—I have.

390. You are aware of the general object of the framers of this Bill, namely, to prevent the unauthorised wearing of certain uniforms; to

Chairman—continued.

prevent, in fact, the dress of the service being brought into contempt; you perfectly understand what the object of those who framed the Bill is?—Yes, and I sympathise fully with it.

391. We have no intention of interfering with any legitimate wearing of uniforms?—I understand that, and I am quite with the Bill.

392. In your catering for the public amusement,

Chairman—continued.

ment, I suppose you dress a large number of people in different uniforms?—Yes, of all nations.

393. Including the British Army?—We mostly get the British Forces in garrison towns. In London, over the water here, I had 300 of the Guards to represent the Egyptian War.

394. That is to say, actual soldiers belonging to the service?—Yes.

395. But when you are going through the country, as I understand you do with your horses and camels, and so on, do you then have men dressed in uniforms taking part in the show?—Yes, just the same.

396. Would those be men belonging to the service?—Reserve men.

397. Would they be all Reserve men?—They are men upon the Reserve staff. There may be an exception in the case of one or two, but that would be on account of some man having perhaps left, or from some unavoidable cause.

398. As a rule, they are old soldiers?—Yes.

399. Still they are not men who would wear uniform, or be entitled to wear it, apart from the employment you give them?—I suppose not.

400. They are not serving with the colours? No.

401. Nor are they provided with a uniform by the Government. Could you describe to us what those men do when they wear uniform?—We give them certain light work, such as erecting a tent. We put, perhaps, half a dozen men to do one man's work, on the consideration that they know how to put on a uniform and how to take charge of it, though there are inspectors to see that they are all clean and in accordance with common decency.

402. Do they ever wear this uniform when they are not taking part in any performance?—No, never.

40 . They would not, for instance, under any circumstances go into public-houses dressed as soldiers?—That means dismissal right away.

404. You would take severe notice of anything of that kind?—Yes.

405. I think I have heard you have a representation of a great combat with Zulus?—Yes; we have about 40 coloured men.

406. Real coloured men?—Yes; and 380 Reserve men.

407. Would all those 380 men actually belong to the Army?—I will not say all, but with some very few exceptions.

408. Would 300 be Reserve men, for instance?—More than that.

409. They would be men who, in time of war, would be liable to serve with the colours?—They are very fair men. We find them obedient, and most of them do very much better than the ordinary country fellow.

410. They are under a discipline of your own, I understand?—Yes; I myself am always with the circus, except on such occasions as this, and I am always inspecting to see that everything is in keeping with a respectable establishment.

411. Have you read the Bill before the Committee?—Yes.

Chairman—continued.

412. Should you be satisfied if an entertainment like yours was placed on the same footing as a stage play?—There would be one difficulty there. Stage plays are given in theatres, and theatres are licensed either by the magistrates, or, if it is within ten miles of London, by the Lord Chamberlain and the Board of Works. With our entertainment we take provincial towns of perhaps 2,000 or 3,000 people, and we bring people for twenty miles round—perhaps 6,000, 8,000, 10,000, or 15,000 people in one day. We should not be able to obtain a licence, as we are performing perhaps in Exeter to-day and Weston-super-Mare to-morrow.

413. But do you require a licence?—Not for our performance.

414. You mean that the Bill only exempts a performance "in a place duly licensed for the performance of stage plays"?—Yes.

415. Could you suggest any words that would meet your difficulty?—I would leave it to the judgment of you gentlemen. You have seen the circus knocking about the country. We are very large at the present time, and no doubt you will be able to find words of sufficient scope to meet it.

416. There are a great variety and degrees of excellence in these circuses?—Yes.

417. Yours, I take it, is the principal and the largest?—We may say it is the only one at present.

418. Are there not other smaller struggling ones?—There are one or two, but you may call them imitations. There is only one circus really. If you would have no objection I will show some engravings that allude to my entertainment, and show the character of the scenes represented (*placing the same before the Committee*).

Mr. *Crosfield.*

419. Do you perform under any form of licence?—None whatever.

Chairman.

420. None is required, is it?—In Scotland they now have a law which requires us to get a licence in every town; it is merely a permit to give a performance, which we have never been refused.

Mr. *Crosfield.*

421. If you find a piece of ground near any town you are at liberty to perform there, are you?—Yes, I gave this performance, by special permission, before the Duke and Duchess of Fife at Banff House last year, and I have been before Her Majesty the Queen on one occasion and the whole of the Royal Family.

Mr. *Bennett.*

422. I understand you have read the Bill before the Committee?—Yes.

423. If the Bill as it stands now was passed into law, it would interfere with one part of your performance, would it not?—I could not carry it on if it were passed. I have known a time

Mr. *Bennett*—continued.

when we have been in other circumstances when things have been very bad, we have put a military spectacle on, and it always brought money at once and enabled us to pay our way. Of course if this Bill were passed, it would interfere with such scenes as "The Sailor Lad's Return Home," or "Shaw, the Lifeguardsman," or "The Dying Soldier," or the sailor dancing a hornpipe on the horse's back; and indeed it would so affect us that the greater part of our means of existence would be taken away.

424. These men whom you dress up like soldiers for this purpose, I suppose, are never mistaken for real soldiers?—No, never.

Chairman.

425. But I understand they are soldiers?—I mean the fellow who plays "Shaw, the Lifeguardsman," or "The Dying Soldier," for instance.

Colonel *Naylor-Leyland.*

426. Could you tell us where you get your uniforms from?—Yes. I had the gentleman's address in my pocket, but I have mislaid it; it is an Army contractor.

Chairman.

427. Is it Mr. Moses?—Yes, that is the name.

428. It is actual Army clothing, is it; it is the real uniform?—Yes. We get three sets a year; that is to say, we have the thing sold directly it gets a little worn.

429. Is the Army contractor you refer to Mr. Samuel Moses, 65, Mansell Street, and Goodman's Fields?—Yes.

430. Have the uniforms which are sent to you had the distinctive badges removed from them?—A good many of them.

431. And the facings?—They mostly take off the buttons and certain badges from the hats, &c.

432. And how about the tunics?—The tunics are just about as perfect as they might be worn by the Army.

Colonel *Naylor-Leyland.*

433. You give performances, among other places, in large garrison towns, I think you said?—Yes.

Colonel *Naylor-Leyland*—continued.

434. You were recently in Colchester, were you not?—It would be getting on for a twelvemonth.

435. On your visits to those large garrison towns. I presume a large proportion of your audience is composed very often of soldiers?—Yes.

436. From what you know, have you reason to believe that any objection is taken by any soldiers in those garrison towns to the display you give?—We always get our performances packed with soldiers if we go to a garrison town; they always come to see the war.

437. You would say that so far from objecting to your entertainment, they are rather amused?—So far as objecting is concerned, it is quite the reverse. We had at Bath a young fellow who was so affected when he saw the scene that he fainted away, and I had to take him some brandy and water, which brought him to very rapidly.

438. In the course of your experience, giving as you do these performances very often in garrison towns, you do not know of any instance in which the soldiers in garrison towns have objected to the uniforms being worn in the way they are worn in your circus?—Not in the slightest.

Chairman.

439. Your pseudo-soldiers are never represented, are they, as doing ridiculous or base actions?—No, nothing suggestive.

440. If they were represented as picking pockets or as running away from the enemy, the question would be different and there might be some objection?—They merely strip the dying soldier of his coat so as to show where he has been wounded in representing the scene.

441. You say you sympathise with this Bill if it could be made to exempt a legitimate performance as we may call yours?—Yes, I do really sympathise with the Bill. I think it is quite right. I may say my mother's father fought at Waterloo, and my father was an old sailor who was pressed into the service on London Bridge, and was a man-of-warsman on Nelson's ship, the "Victory," so that I come of an old naval and military family myself.

Mr. WILLIAM PYCOCK, called in; and Examined.

Mr. *Bennett.*

442. You have been associated with an important band in Lincolnshire for a good many years, have you not?—Ten years.

443. And you have had great success with your band, have you not?—Yes, we have, musically.

444. You have gained many prizes, have you not?—Yes, a large number of prizes; we are a band that enters into competitions a very great deal.

445. You claim to be the premier band of Lincolnshire, do you not?—Yes.

Mr. *Bennett*—continued.

446. For some time past you have been accustomed to wear a uniform, I believe?—Yes; since the existence of the band, with the exception of 18 months, we have always worn a uniform.

447. In carrying out your engagements you have found it really essential, have you not, that you should wear a uniform in order to get the credit which you deserved?—We have.

448. And that you would be put to loss if you did not wear it?—Undoubtedly, as the 18 months

Mr. *Bennett*—continued.

months we were without a uniform went to prove very much.

449. You have a large band, have you not?—We have.

450. What kind of uniform do you use now?—Our uniform at the present time is black cloth trousers and tunic, or jacket as you may call it, trimmed with dark braid.

451. Did you bring one of the uniforms with you?—Yes, I have a sample uniform with me.

452. I believe it was your own idea to bring it, in case the Committee cared to see it?—Yes; I thought perhaps it might be called for.

453. Is the uniform which you now use similar to what your band has used from the commencement of its history?—Six years ago we had a uniform representing the 4th Hussars, that was dark blue with yellow facings. We used that for six years, and it deteriorated, and we abandoned it when it began to be a sort of disgrace. We were then without a uniform for eighteen months, and during those eighteen months our band suffered very considerably respecting engagements at public entertainments, agricultural shows, &c. Although at the same time we were good musicians and had a splendid band, still we could not get engagements because we had not a uniform. Our committee accordingly called a meeting and very wisely adopted a uniform. I have a sample of it here. It is much quieter and more private than the former uniform. I do not think it bears with the military uniform at all, with the exception of the cap.

454. The former uniform was really a cast-off military uniform?—It was a cast-off military uniform. We bought it off the Government contractors. The one we use now we bought of a private firm at Huddersfield; it was made for our band expressly.

455. May I ask whether in your performances your band has ever been mistaken for a military band because of its uniform?—No, far from it. I might say that at shows, &c., where we have been performing, the military themselves have come and questioned us as to how we came to have a uniform, and asked what it represented. The question was put to us really and truly quite in an off-hand sort of way.

456. Your band has taken many prizes, I believe?—We have.

457. Have you ever had any prize that had reference to your uniform or your appearance as a band?—On several occasions we have. Prizes have been set forth in the schedules for the neatest appearance, uniform, &c., and of course our uniform being somewhat neater than the generality of uniforms, we are usually secure of a decent prize; if not the first, the second, but very rarely the third; it is more often the first. The judges have pronounced our uniform to be one of the neatest they ever saw.

458. Have you ever had to compete in such a competition as you have referred to against the military uniform?—Yes, indeed we have. On most occasions, as is perfectly well known, bands do adopt a military uniform to show at these competitions, thinking that their uniform may stand a very good chance of getting a prize; but they are very often deceived. Our uniform, though not military, is a very neat uniform, and a good uniform.

459. Have you taken a prize with regard to appearance in competition with a military dress?—Yes; we have. I can mention a case at Selby in Yorkshire, some time ago, where we took the first prize against two bands which were using military uniform.

Mr. *Heneage.*

460. What uniforms were they wearing?—One of them was wearing a Lancer's uniform; the dark blue tunic with a red breast, and the other was the infantry.

Chairman.

461. You say that for five years past your band has been accustomed to wear a uniform?—Yes.

462. Until recently it was a military uniform, I understand?—Yes.

463. You hold it essential that you should wear a uniform, as I understand?—Yes.

464. Do you hold it essential that you should wear a military uniform?—Not necessarily military exactly.

465. Did it ever occur to you when you were wearing a military uniform that you were infringing the natural, though not perhaps the legal, rights of military men, and perhaps hurting their feelings?—No, never.

466. Not even when you wore the uniform of the 4th Hussars?—No.

467. Which is your nearest garrison town?—Lincoln.

468. It is not a cavalry quarter; but supposing the 4th Hussars had been stationed at Lincoln, do you not think it would naturally have hurt their feelings, or hurt your feelings, to have the two bands wearing the same costume?—I fail to see why it should. Of course, our uniform is only worn when the band is on parade.

469. Still, you can imagine a bandsman in the 4th Hussars being so unreasonable as to feel a little hurt?—Probably he might feel a little jealous; he might do so.

470. You said you gave up wearing the tunic of the 4th Hussars when they became a disgrace?—Yes; I mean when they became a sort of disgrace through wear; we wore them for six years, and six years is a good length of time. One of our former friends thought two years was sufficient, but we managed to wear ours for six years, for we took great care of them.

471. When they began to look disgraceful, you think the men in the 4th Hussars would still not mind your wearing them?—I do not suppose they would care to see them in a dilapidated condition, truly.

472. You say you bought the tunics of the 4th Hussars from the Government contractors; were any of the badges removed?—Yes; we had no badges whatever.

473. There was nothing on the sleeves?—Nothing.

474. No chevrons or stripes?—No.

Chairman—continued.

475. The 4th Hussars have no facings on their tunic, and therefore the collar and cuffs would not have to be removed?—The yellow braiding on the front, of course, was on just the same.

476. What forage cap did you wear with that tunic, one with a yellow band?—It was a little side cap with a yellow band round, and no peak.

477. Was that procured from the Government contractor too?—Yes, from the same firm.

478. I understood you to say that you once took a prize for having the neatest uniform?—Yes, with the present uniform.

479. That was not when you wore the 4th Hussars uniform?—It was not.

480. The uniform you now have, though not strictly military, is a neat and good uniform?—Yes.

481. You have no intention of changing it and going back to the 4th Hussars uniform?—We have not at present, for the reason that we should have difficulty in finding the money for a new uniform; it has to be scraped up by the working classes, and we cannot afford to do such a thing as change our uniform before it is worn out. It will last us, I think, six years, or it ought to last six years.

Mr. *Crosfield.*

482. What would be the comparative cost as between your new uniform, which lasts a longer period, as I understand, and the old 4th Hussars uniform?—I should say it would be a matter of perhaps 30*l.*, or close upon it, in round figures.

483. Over the whole band?—The whole rig ou

484. That would be the difference between the two, would it?—Yes, in round figures.

485. Does it last a correspondingly longer period?—I should say the cloth is more durable; in our opinion it is so, and of course facings get discoloured; but if they are not coloured they do not show the wear so soon.

Mr. *Bennett.*

486. You have read the Bill before the Committee, have you not?—I have.

487. In your contests have you frequently played alongside of other bands who were dressed in cast-off military uniforms?—Yes. We are usually asked to wear our uniforms at these competitions; it is generally almost the first or second rule in the schedule that bands, if they have a uniform, must appear in such uniform, or they are disqualified.

488. When you read this Bill I presume you would naturally come to the conclusion that a number of bands would be law-breakers if this Bill passed into law?—Yes.

489. Can you tell us at all how many bands there are in this country?—About 18 months ago the question was asked through a military journal in Liverpool, and the answer given was that there were something like 4,000 civilian bands in Great Britain.

490. What would be the average number of bandsmen in a band?—From 20 to 25 would be the number in all the bands in our parts, and in Yorkshire and Lancashire.

Mr. *Bennett*—continued.

491. I have had a paragraph put into my hand, which is perhaps taken from the same paper, which speaks of there being 20,000 working men's bands?—I thought in the paper I saw it was stated to be 4,000 civilian bands.

Mr. *Crosfield.*

492. Perhaps the one may include drum and fife bands, and the other only brass bands?—I am speaking only of our bands; I do not know anything about drum and fife bands.

Mr. *Bennett.*

493. If this Bill was passed into law, it would bring a very large number of people into the position of law-breakers, would it not?—Yes.

494. It would cast a heavy blow and great discouragement upon the large number of people who form these bands in different parts of the country?—Yes, no doubt. Nineteen out of 20 private bands wear uniforms.

Chairman.

495. Do you mean that they wear the prescribed dress of certain regiments?—I could not say.

496. You understand that we have no wish to interfere with uniforms which on their part did not interfere with the dress of a particular regiment?—Yes.

Mr. *Heneage.*

497. Supposing bands that now wear military uniforms were allowed to wear out the uniforms they now have, do you think there would be any difficulty in bands in future finding a neat uniform which will not be a colourable imitation (to use the words of the Bill) of an army uniform?—They could adopt the plan we have adopted; but even we have colours in one respect, and in the Bill it says you must not use a colourable imitation. The army colourable uniforms are so various, there is such a great number of colours, that it is difficult to avoid them.

498. That is not the meaning of the words, "colourable imitation;" the words simply mean a more or less exact imitation, it does not refer to the particular colour of blue or red?—Indeed.

499. Without regard to colour, supposing under the Bill you were allowed to use any coloured cloth you like, could not a band find some neat uniform which was not a real army uniform or an imitation of an army uniform?—Yes, we could perhaps do so; but we might find a difficulty in keeping clear of what is laid down in the Bill.

500. Your own uniform which you are going to show us keeps clear, does it not?—As I mentioned our cap is rather military.

Chairman.

501. Were you aware that there are only four coloured facings in the whole Line now, namely, white, green, yellow, and royal blue?—No.

502. You

Colonel *Naylor-Leyland.*

502. You have spoken of three periods in your band's existence; for six years you wore the uniform of the 4th Hussars?—Yes.

503. Then for 18 months you wore no uniform, and lastly you have been wearing the uniform which you are about to show us?—Yes.

504. You said that undoubtedly the period during which you wore no uniform produced a heavy loss to you pecuniarily as compared with the time when you wore the 4th Hussars uniform?—Yes.

505. But comparing the time when you wore the present uniform and the time when you wore the 4th Hussars uniform, do you find that the receipts were larger during the time when you wore the 4th Hussars uniform than they are now?—I think they would not vary, perhaps, a very great deal. We noticed the falling off very much when we had not a uniform, and then, of course, when we adopted the present uniform, we began to find our engagements coming in again as usual. We found, as I say, that not having a uniform, we could not get engagements; bands of less musical qualities than our own were engaged in preference to us, and we were told so. I can give you an instance. We were to play up against Sir John Astley's place, Elsham Hall, at a garden party, and it was at the time when we had not a uniform, and the man in charge of the arrangements told us flatly to our faces if he had known we were coming without a uniform he would have bundled us off the ground. That, of course, was a great insult.

506. I was not speaking of the time when you did not wear a uniform at all; but what I wanted to know was whether you attached more importance to wearing the uniform of the 4th Hussars than to wearing the present uniform, whether you found it better from a pecuniary point of view?—I should think it would be much the same. I do not know that we could draw the line in that quarter at all.

Colonel *Naylor-Leyland*—continued.

507. As long as you wear a uniform, you do not mind whether you wear the uniform of a regiment or not?—The neater it is the better.

508. But you do not attach any importance to wearing the uniform of the 4th Hussars because it is the uniform of the 4th Hussars?—None at all.

509. But I understand you to attach importance to wearing a uniform?—Yes.

Chairman.

510. Will you show the Committee the uniform which your band at present wears?—This is it (*producing the same*).

511. I observe the tunic has a Light Infantry bugle and crown on the button. I see no other objection that could be suggested against it except that it is very like an infantry officer's patrol jacket. As to the button, I suppose you could put a harp or any other device upon it?—Yes, no doubt.

512. The cap, too, is unobjectionable; indeed it seems to me that the uniform is not a colourable imitation of any regimental uniform, and is one with which this Bill, as it stands now, would not interfere at all. Have you any statement which you would like to make to the Committee?—No, I think not.

513. You will, I hope, assure the members of your band that to the best of my knowledge the Bill does not intend for a moment to interfere with the right of wearing a suitable handsome uniform, but its object is merely to protect regiments in the army and other branches of the service from having their specific and distinctive uniform pirated by other people?—Yes.

APPENDIX.

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APPENDIX.

APPENDIX, No. 1.

PAPER handed in by Sir *H. R. Buller*, K.C.B., K.C.M.G., V.C., 26 *June* 1894.

AUSTRIA.

EXTRACT from the Official Summary of the Military Penal Code Austro-Hungarian Army by Major *Pirchan*, 1885.

Section 597.—Punishment of persons who, without fraudulent intent, represent themselves as military or as public officials or servants.

Whosoever without fraudulent intent, gives himself out to be a military person, a public official or a public servant, or by the unauthorised wearing of uniform assumes the appearance of a public official or soldier, shall suffer imprisonment of from three days to one month.

Unauthorised wearing of medals, orders, or other honorary distinctions.

Section 598.—Whosoever wears foreign or Austro-Hungarian orders or honorary distinctions to which he is not entitled, commits a misdemeanour and is liable to a fine of from 10 to 100 guldens (roughly 1*l.* to 10*l.*).

(signed) *W. E. Fairholme*,
Staff Captain.

21 June 1894.

FRANCE.

Every person who shall publicly wear a costume, uniform, or decoration, which does not belong to him, shall be punished by imprisonment for a term not less than six months, and not exceeding two years.

Every one, who, with the view of assuming an honorary distinction, shall publicly and without proper authority assume a title, or change, alter, or modify the name by which he is known in the register (Actes de l'Etat Civil) shall be punished by a fine of 500 to 10,000 francs (20*l.* to 400*l.*).

The tribunal before which such person is tried shall order a marginal note of the judgment awarded to be made in the register concerned.

In all cases provided for by the present article, the tribunal may order a description of the whole or a portion of the judgment awarded to be inserted in such newspapers as it may direct, at the expense of the culprit.

ARTICLE 266.—Code de Justice Militaire.

Every soldier who shall publicly wear French decorations, medals, insignia, uniform, or costumes to which he is not entitled, or who shall, without proper authority, wear foreign decorations, medals or insignia, shall be punished with imprisonment for any term not less than two months, and not exceeding two years.

(signed) *I. S. S. Barker*,
Major R. A.

21 June 1894.

GERMANY.

EXTRACT from Burgerliche Gesetze ; Strafgesetzbuch fur das Deutsche Reich of 15 May 1871.

Section 29.—Offences.

Section 360.—A fine of up to 50 thalers* (7*l.* 10*s.*) or imprisonment (Haft) may be inflicted upon such persons as :—

(8.) without having a right thereto, shall wear any uniform, official dress, badge of office, order, or mark of distinction, or shall assume any titles, dignities, or indication of nobility.

Section 18.—The maximum of imprisonment (Haft) is six weeks—the minimum one day. The punishment of imprisonment (Haft) consists in simple deprivation of liberty.

20 June 1894. (signed) *E. Agar*, D.A.A.G.

* One Thaler—three shillings.

ITALY.

"CODICE PENALE."

Article 185.—Any person who, without proper authority, assumes or exercises public functions, either civil or military, is liable to imprisonment for a term not exceeding three months.

The judge may order the sentence to be published, at the culprit's expense, in a newspaper of the province in which the offence was committed, and also in a newspaper of the province in which the culprit resides.

Article 186.—Any person who, publicly and without due authority, wears the uniform or distinctive marks of profession, corps, or office, or who assumes academic degrees, honorary distinctions, titles, dignities, or public offices, is liable to a fine of not less than 50 lire, and not exceeding 1,000 lire, (2*l.* 10*s.* to 40*l.*).

The judge may order the sentence to be published in a newspaper selected by him, at the culprit's expense.

"CODICE PENALE per l'Esercito."

Article 233.—Any soldier who shall publicly wear uniforms, distinctive marks of military rank, or decorations to which he is not entitled, shall be punished by military imprisonment.

(signed) *I. S. S. Barker*,
Major, R. A.

21 June 1894.

APPENDIX, No. 2.

PAPER handed in by Superintendent *William Davis*, 28 June 1894.

TRAFFIC, STREETS, HIGHWAYS, CARTS, BICYCLES, &c.

Advertisements, Printed Handbills, &c.

By Board, Placard, &c.

1. "No picture, print, board, placard, or notice, except in such form and manner as may be approved of by the Commissioner of Police, shall, by way of advertisement, be carried, or distributed in any street within the general limits of this Act, by any person riding in any vehicle, or on horseback, or being on foot." This section does not apply to the sale of newspapers. (30 & 31 Vict. cap. 134, sec. 9, and 48 & 49 Vict. cap. 18.)

The general limits referred to are the parts of the Metropolis enclosed in a circle of which the centre is Charing Cross, and the radii are six miles in length, as measured in a straight line from Charing Cross.

2. The Commissioner has approved the following regulations as to form and manner in which boards and placards may, by way of advertisement, be carried in any street within the above specified limits :—

As to form.—The advertisements are to be written or printed, on wood or pasteboard of not more than 32 inches in length, nor more than 20 inches in width.

As to manner.—(*a.*) The boards and placards shall be suspended from the shoulders over the chest or back of the man carrying them, or carried overhead in a manner approved by Commissioner.

(*b.*) Every board and placard shall be carried at a distance of not less than 30 yards from any other board or placard carried in the streets by way of advertisement.

(*c.*) Every board and placard shall be carried in the carriageway, close to the kerb of the footpath, but not on the footpath.

3. The names and addresses of any person violating the Regulations of the Commissioner, and the persons by whom they are employed, are to be obtained, and the persons summoned.

4. Previous to taking proceedings, the persons offending are to be cautioned ; if they persist, and are subsequently summoned, the Police are to be prepared to give evidence on oath that the defendants were duly cautioned, and wilfully offended after such caution.

5. Police are to report all Metropolitan Stage Carriages having printed or written bills placed over any of the painted particulars of route and destination.

6. With respect to advertisements carried in any thoroughfare or public place to the annoyance or obstruction of inhabitants or passengers, proceedings may be taken under 16 & 17 Vict. cap. 33, sec. 16, which applies to the whole of the Metropolitan Police District."

Advertising Vehicles.

(16 & 17 Vict. cap. 86, sec. 16.)

"16. It shall not be lawful for any person to carry about on any carriage, or on horseback, or on foot, in any thoroughfare or public place within the limits of this Act, to the obstruction or annoyance of the inhabitants or passengers, any picture, placard, notice, or advertisement, whether written, printed, or painted upon or posted or attached to any part of such carriage, or on any board, or otherwise."

(*See* also 30 & 31 Vict. cap. 134, sec. 9.)

APPENDIX, No. 3.

PAPER handed in by Mr. *John James Sexby*, 28 June 1894.

UNIFORMS.

THERE are three classes of men who wear uniforms in the Parks Department, viz., the bandsmen, the constables, and the lavatory attendants, with whom may be classed the boatmen, of whom, however, there are only two. Their uniform consists merely of a short jacket with metal buttons bearing the monogram L.C.C. Lavatory attendants and boatmen.

As regards the bandsmen, the conductors wear a frogged blue frock coat with a red military waistcoat, and a cap with a gold band. There are no "ornaments" or marks of rank of any kind on the collar or elsewhere. Conductors.

The ordinary bandsmen are supplied with a red shell-jacket with brass buttons bearing the monogram L.C.C., and the words "Parks Band." The shell-jackets are of scarlet cloth faced with yellow, and each man is bound by his agreement to provide himself with black trousers, which, however, have no stripe or other decoration upon them A cap is also provided, consisting of blue cloth with a peak, and a piping of yellow worsted and the letters L.C.C. There are no "ornaments" of any kind on the bandsmen's jackets. The colour (scarlet) is chosen as harmonising better than any other with the green surroundings amongst which the band plays. There are four sergeants who have chevrons on their shell-jackets, one sergeant accompanying each section of the band, which generally plays in four. There are 92 bandsmen in all. Bandsmen.

There are ten inspectors, seven senior constables (a class, however, which it is proposed to allow to die out), 13 sergeants, and 163 constables employed in the department. The inspectors wear a peaked cap, a blue tunic with black buttons and black braid, and blue cloth trousers. The sergeants wear a blue tunic bearing the letters L.C.C., and their number on the collar in metal letters, a helmet with the monogram L.C.C. on the front, and silvered buttons on the tunic, with the usual sergeants' chevrons on the arm. The constables wear precisely the same as the sergeants, less the chevrons. The senior constables wear blue tunics with black buttons but no braid, and their number worked in silver letters on their collar, and in front of their caps. They wear cloth peaked caps. Inspectors. Sergeants. Constables. Senior constables.

APPENDIX, No. 4.

PAPER handed in by Mr. *G. D. A. Fleetwood Wilson*, C.B., July 1894.

NEW SYSTEM.

Clothing Regulations.

"Personal" and "Public" Clothing (issued as a special Army Order on the 6th December 1893).

1. Pending the issue of revised Clothing Regulations, the following rules for the supply of clothing to the regular forces will come into operation from the 1st January 1894.

2. Clothing will be divided into two classes, as detailed in the accompanying schedule—

A.—Personal clothing.
B.—Public clothing.

3. All personal clothing issued to recruits will be new, but will otherwise be in accordance with the published scales. The issue of part-worn articles will be restricted to public clothing.

4. Issues of personal clothing will be renewed on the anniversaries of the soldier's enlistment, except in the case of soldiers enlisted before the 1st January 1894, who will continue to receive issues as hitherto. Deserters on rejoining will be brought under the new system from date of rejoining.

5. Personal clothing will be struck off charge on issue.

6. All articles of personal clothing in possession of the troops on the 31st March 1894, or issued after that date, will (when no longer required for the purposes stated in paragraph 7) be disposed of for the soldier's benefit. Such personal clothing will be sold under the direction of the officer commanding the company, &c., to other soldiers in the corps for their personal use, the proceeds being credited to the soldier. Should any articles not be so sold, they will be handed over to the commanding officer for disposal to the authorised contractor for the purchase of worn-out clothing, the soldier at the same time being credited with the amount payable for them at the contract rate.

7. Soldiers will retain such articles of time-expired clothing for fatigues and similar duties as the officer commanding the company, &c., may deem necessary, and no soldier will be permitted to dispose of any article of clothing without the written consent of that officer.

8. Clothing will not be sold to any civilian other than the recognised contractor.

9. No clothing will be taken away by soldiers on discharge or transfer to the reserve, except the articles marked on the accompanying schedule.

10. Compensation will be granted for any article of personal clothing not drawn, provided the time-expired article is, in the opinion of the officer commanding the company, &c., fit for at least theee months' further wear. The compensation will be the full value, and will cover the whole period of the wear of the article which would otherwise have been issued. It will be credited in advance in the soldier's clothing account in the monthly pay list,* and may be appropriated with the consent of the officer commanding his company for the purchase of any clothing or necessaries he may require. Any balance remaining on the following anniversary of his enlistment will be transferred to his credit in his pay account.

11. Soldiers enlisted before the 1st January 1894, whose service in any year will expire between the 1st April and the 30th September, will, on the 1st April of that year receive compensation calculated to date of discharge in place of the personal clothing which would otherwise be issued. If their service expires between the 1st October and the 31st December, they will, on the 1st October, draw, in place of the October issue of boots, compensation calculated to date of discharge.

12. Compensation for broken periods will be reckoned by calendar months. Any portion of a month amounting to 15 days or more will be reckoned as a month. Any period under 15 days will be disregarded.

13. Plain clothes on discharge or transfer to the reserve will not be issued, except on repayment, to soldiers enlisted on or after the 1st January 1894, or to soldiers enlisted before that date whose service with the colours expires after the 31st March 1897. The following allowances will, however, be granted towards the provision of plain clothes :—

	s.	*d.*
Warrant officers and non-commissioned officers entitled to 1st class clothing	15	–
Sergeants	7	6
Rank and file	5	–

14. Soldiers enlisted before the 1st January 1894, and discharged or transferred to the reserve on or before the 31st March 1897, will receive plain clothes under present rules.

15. Public

* A new form of monthly pay list, containing a clothing account, will be issued shortly.

15. Public clothing will be issued as at present.

SCHEDULE.

A.—Personal Clothing.	B.—Public Clothing.
Tunics. Frocks. Frock coats. Jackets (dress and undress). *Waistcoats (dress and undress). Trowsers. Trews. Pantaloons. Kilts. *Cotton drawers. Gaiters, duck. Leggings, Zouave. Breeches. Glengarry, forage, and field service caps. *Boots and shoes. *Gloves. *Mitts. Plaids and plaid scarves. *Stockings. *Fezzes, turbans, &c. Sashes. Shoulder pads.	Cloaks. Greatcoats. Capes. Head-dresses (full dress). Haversacks. Girdles Lancers. Leggings or gaiters, leather. Jack spurs. All articles of— Hospital clothing. Prison Clothing. Winter Clothing. Waterproof clothing. State clothing (including jack boots and leather breeches of Household Cavalry).

* These articles may be taken away by the soldier on discharge or transfer to the Reserve.

(*Put in by Director of Clothing.*)

PUBLIC CLOTHING.

CONDITIONS OF CONTRACT.

1. The person whose tender may be accepted is, if required, to enter into a bond with two eligible sureties, to be bound jointly and separately, under a penalty of 2,000*l.* for the due performance of the contract.

2. The articles shall be taken as they lie, and without question on the part of the contractor.*

3. The contractor shall pay for all articles before removal, and shall remove the same within 21 days from the date of an order to do so from the commanding officer. The value of all clothing will be paid to the district paymaster.

4. As a rule, the condemned clothing will be handed over to the contractor at the barracks where it lies. The contractor, or his agent, will be required to attend on an appointed day, and he will receive the clothing from the regimental officer in charge of the same. The contractor need not, if he think fit, attend the transfer personally, but should any case arise in which the contractor or his agent be not present, and the goods be forwarded to the contractor, they will be sent at his risk, and no claim whatever shall afterwards be made by him.

5. If the contractor neglect or fail to comply with condition 3, the articles shall thereby become forfeited, and the Secretary of State for War may sell or otherwise dispose of them as he may think proper; and any money already paid by the contractor in respect thereof shall also be forfeited. Any deficiency in the price realised by such sale or disposition, together with all expenses occasioned thereby, shall be paid by the contractor, or the Secretary of State for War may deduct the same from any sum or sums then due, or which at any time thereafter may become due to the contractor under any other contract he may hold with the Government.

6. If any temporary military stations be taken or used in Great Britain or Ireland during the continuance of this contract, any articles condemned at such temporary stations shall be deemed to be comprised in the contract.

7. The Secretary of State for War may at any time terminate the contract, if the contractor shall be adjudged bankrupt, or if, under the present or any future Bankruptcy Act, any receiving order, or order for the administration of his estate, shall be made against him.

8. The columns showing the estimated quantities to be disposed of annually have been filled in from the best information at the disposal of the department; but these quantities are in nowise guaranteed, and the Secretary of State for War is not to be bound by them, as the numbers of any garment for disposal may vary considerably during the period of the contract.

9. The contractor shall not, either directly or indirectly, dispose of any tunics, frocks, jackets, or head-dresses, as garments, except to volunteers, unless they have first been so altered that they cannot be recognised as having been used as uniform of the regular army. Any infringement of this condition to render the contractor liable to a penalty of 10*l.* for each case.

10. The

* It must be clearly understood in reference to Clause 2 that the articles, whether incomplete, damaged by moth, age, active service, or other causes, or should they be in an exceptionally bad condition, must be taken as they lie. Claims for allowances or compensation on these grounds will not be recognised.

10. The Secretary of State for War reserves to himself power to make separate contracts for the greatcoats, cloaks, capes, and watch coats, should he deem it desirable to do so, and parties tendering may submit offers for them apart from the other articles included in the schedule.

11. The contract shall include such quantities of the articles enumerated in the annexed schedules as may not be required at the several military stations in Great Britain and Ireland, and shall continue in force for a period of three years, commencing from 1st July 1894, but shall cease at the end of the first year, or at any time after, provided six months' notice for that purpose shall have been previously given by either party.

(*Put in by Director of Clothing.*)

PERSONAL CLOTHING.

Conditions of Contract.

1. The person whose tender may be accepted is, if required, to enter into a bond with two eligible sureties, to be bound jointly and separately, under a penalty of 2,000*l.* for the due performance of the contract.

2. The articles shall be taken as they lie, and without question on the part of the contractor.*

3. The contractor shall pay for all articles before removal, and shall remove the same within 21 days from the date of an order to do so from the commanding officer. The value of all clothing will be paid to the commanding officer.

4. As a rule, the condemned clothing will be handed over to the contractor at the barracks where it lies. The contractor, or his agent, will be required to attend on an appointed day, and he will receive the clothing from the regimental officer in charge of the same. The contractor need not if he think fit attend the transfer personally, but should any case arise in which the contractor or his agent be not present, and the goods be forwarded to the contractor, they will be sent at his risk, and no claim whatever shall afterwards be made by him.

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(*Put in by Director of Clothing.*)

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* It must be clearly understoood in reference to Clause 2 that the articles, whether incomplete, damaged by moth, age, active service, or other causes, or should they be in an exceptionally bad condition, must be taken as they lie. Claim for allowances or compensation on these grounds will not be recognised.

REPORT

FROM THE

SELECT COMMITTEE

ON THE

UNIFORMS BILL;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

Ordered, by The House of Commons, *to be Printed,*
10 *July* 1894.

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REPORT

FROM THE

SELECT COMMITTEE

ON

VOLUNTEER ACTS;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE

APPENDIX, AND INDEX.

Ordered, by The House of Commons, *to be Printed,*
17 *July* 1894.

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224.

VOLUNTEER ACTS.

Ordered,—[*Monday, 7th May* 1894]:—THAT a Select Committee be appointed to inquire into the working of the Volunteer Acts, and into the legal condition and status of Volunteers serving under these Acts.

Committee nominated—of—

Mr. Brown.
Mr. Cubitt.
Mr. Munro Ferguson.
Sir Henry Fletcher.
Mr. Gourley.
Sir Arthur Hayter.
Sir Edward Hill.
Colonel Murray.
Sir Albert Rollit.
Mr. Stern.
Colonel Howard Vincent.
Mr. Warner.
Mr. Wason.
Sir James Whitehead.
Mr. Woodall.

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

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REPORT.

THE SELECT COMMITTEE appointed to inquire into the working of the VOLUNTEER ACTS, and into the legal condition and status of Volunteers serving under these Acts:——HAVE considered the matters to them referred, and have agreed to the following REPORT:—

YOUR Committee were of opinion that the subjects following might be regarded as coming within the scope of their instructions:

Liability to actual Military Service.
Subjection to Military Law.
General Meetings of Corps.
Exemption of Head Quarters from Local Rates.
Recovery of Arms and Property.
Acquisition of Lands for Military Purposes.
Exemption from service on Juries.
Duty in aid of the Civil Power.

Sittings were held on five days, at which evidence bearing mainly upon these points was received.

Your Committee had the advantage of hearing the following witnesses:

Major General Sir Francis W. Grenfell, G.C.M.G., K.C.B., Deputy Adjutant General for Volunteers.
Mr. James C. O'Dowd, C.B., Deputy Judge Advocate General.
Colonel Stanley G. Bird, 1st Middlesex Rifle Volunteer Corps.
Colonel Robert Bridgford, C.B., 2nd Volunteer Battalion Manchester Regiment.
Colonel Michael Brown Pearson, 2nd Middlesex Volunteer Artillery.
Mr. Frank T. Marzials, Assistant Accountant General, War Office.
Major R. M. Ruck, R.E., Inspector of Submarine Defences.
Lieutenant Colonel J. B. Sutherland, Queen's Rifle Volunteer Brigade (Royal Scots).
Lieutenant Colonel R. C. Mackenzie, 1st Volunteer Battalion Highland Light Infantry.
Lieutenant Colonel E. H. Thorne, 3rd Volunteer Battalion South Staffordshire Regiment.
Colonel T. Sturmy Cave, 1st Volunteer Battalion Hampshire Regiment.
Colonel Sir E. S. Hill, K.C.B., M.P., Colonel Commandant Glamorganshire Artillery Volunteers.
Colonel E. J. A. Balfour, London Scottish Rifle Volunteers.
Colonel Frank W. Haddan, 4th Volunteer Battalion Queen's (Royal West Surrey) Regiment.

The views of these officers upon the greater number of subjects on which they were examined were marked by general agreement.

Liability to actual Military Service.

The Volunteer Act, 1863, Section 17, provides that in case of actual or apprehended invasion of any part of the United Kingdom (the occasion being first communicated to both Houses of Parliament, if Parliament is sitting, or declared in Council, and notified by proclamation if Parliament is not sitting), Her Majesty may call out the Volunteer Corps of the respective counties, or any of them, for actual military service.

There was practical unanimity expressed that the national security might be seriously imperilled under conceivable circumstances falling short of "actual or apprehended invasion," and that it may, for example, be expedient that certain exposed forts should be manned by Volunteer Artillery, and that corps enrolled for submarine and other coast defences should be called out at a much earlier stage than the language of the Act would seem to authorise.

Your Committee is of opinion that the language employed in the Reserve Forces Act, 1882, Section 12, and in the Militia Act of the same year under which the Army Reserve men are liable to be called out for permanent service and the Militia to be embodied, "in case of imminent national danger or of great emergency," might be most fittingly adopted.

It has also been suggested that the Secretary of State should be empowered to call out portions of corps and accept services of Volunteers proffered under circumstances falling short of the grave emergency contemplated, and your Committee concur in thinking such amendments of the law desirable.

Subjection to Military Law.

Volunteers are subject to military law under the Army Act of 1881 when the corps is on actual military service, and "in the case of an officer when with his own consent he is attached to or doing duty with any body of troops for the time being subject to military law, whether of the regular or auxiliary forces, or, with his own consent, is ordered on duty by the military authorities," and in the case of non-commissioned officers and men when—

(*a*) They are being trained and exercised with any portion of the regular forces or with any portion of the Militia when subject to military law, and

(*b*) When they are attached to or otherwise acting as part of or with any regular forces, and

(*c*) When their corps is on actual military service.

Provided that it shall be the duty of the commanding officer of any part of the volunteer force not in actual military service, when he knows that any non-commissioned officers or men belonging to that force are about to enter upon any service which will render them subject to military law, to provide for their being informed that they will become so subject, and for their having an opportunity of abstaining from entering on that service.

In the opinion of your Committee it is expedient that Volunteers should be subject to military law whenever they are under arms and in uniform, whether associated with the regular forces or not. At the same time it is recognised that the power of dismissal vested absolutely with the Commanding Officer of a Volunteer corps is more valuable as a deterrent, and is more effective for disciplinary purposes than any punishment that would be inflicted under the Army Act, and it is expedient that this power should not be weakened.

General Meetings of Corps.

Section 24 of the Volunteer Act of 1863 provides that the officers and Volunteers belonging to a Volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules, subject to the approval of Her Majesty, signified by the Secretary of State.

The following section (25) vests in the Commanding Officer all money subscribed for the corps, all effects belonging to it, and all lands acquired by the corps, and gives to him the exclusive rights to sue for moneys due, to make contracts, &c.

The

The Regulations for the Volunteer Force (460a) require the annual appointment of a Finance Committee, consisting of the Commanding Officer and not less than three members who may be either appointed by the Commanding Officer or elected by the corps. The discussion of the expenditure of "moneys received from public funds is not "permitted at general meetings, nor is it permissible to discuss any matter affecting "discipline." (Regulation 380.)

But notwithstanding these restrictions the opinion appears to be widely held that the discussion of rules and even of the finances of the corps is attended by so much inconvenience as to render an amendment of Section 24 highly desirable.

The general feeling as expressed by the Commanding Officers was in favour of a series of uniform rules, approved and altered from time to time by the Secretary of State, supplemented by bye-laws of local and special application, and that assent to these Rules, Regulations and Standing Orders of the corps, subject only to withdrawal upon legal notice, should be made a condition of enrolment.

Exemption of Head Quarters from Local Rates.

Section 26 of the Volunteer Act, 1863, requires the Commanding Officer to appoint a proper storehouse for the depositing and safe keeping of arms, ammunition, and stores, and it enacts that every such storehouse shall be free from all county, parochial, or other local rates and assessments.

In the case of Pearson *v.* Holborn Union Assessment Committee heard in the Court of Queen's Bench it was decided that the whole of the premises occupied by a corps for drill, messing &c., are occupied as if they were Crown property, and are consequently exempt from rating.

"Beneficial occupation," or the letting of premises for revenue or for other than the purposes of the corps would, no doubt, subject the premises to liability for local rates, and your Committee see no reason for disturbing such a distinction.

Recovery of Arms and Property.

Some inconvenience is said to have been experienced from the necessity of satisfying a justice of the peace before obtaining a search warrant, that there is reasonable ground for a suspicion that the missing property is to be found on any premises, and it has been urged that the powers of search should be given, and the corps should be enabled to proceed by more summary process for the recovery of such property.

Your Committee is not, however, satisfied that it is expedient to alter the law in the sense thus indicated.

Acquisition of Lands for Military Purposes.

The Military Lands Act of 1892 is a consolidation of Acts, including the Ranges Act of 1891. Under its provisions Volunteers may, with the consent of the Secretary of State, purchase lands for military purposes, and the Public Works Loan Commissioners may lend money, repayable in not more than 50 years. Under the Act money cannot be advanced for the erection of buildings, though it has been held that any buildings already erected may be included in the valuation of the property. It is held that if the corps are able to produce adequate security, such as will, having regard to the circumstances of each case, satisfy the Secretary of State, they should be enabled to borrow money for the erection of drill halls and other such buildings, and for the equipment of ranges, as well as for the acquisition of the necessary land. It is possible that further advances might be made as the property acquired increased value in consequence of the buildings thereto added. It is, however, desirable that the law should be made clear, and that with adequate security such as will satisfy the Secretary of State, advances from public funds should be available for the erection of suitable buildings approved by him.

It has also been reported that some inconvenience arises from the difficulty of diverting roads and footpaths, the use of which has been made dangerous by the establishment of ranges, and this appears to call for remedy whenever the Military Lands Act may come before Parliament for amendment.

Exemption from Service on Juries.

More than one witness pressed that Volunteers (officers, and non-commissioned officers particularly) should be exempted from service on juries, and it was stated that such exemption would have an appreciable effect in overcoming the reluctance of desirable men to give their services, an opinion in which your Committee concur.

Duty in aid of the Civil Power.

As the regulations stand, the civil power is not entitled in any case to call upon or order Volunteers to act as a military body in preservation of peace. The regulations provide that in case of serious and dangerous riots and disturbances the civil authority may require Her Majesty's subjects generally, including members of the Volunteer force, to arm themselves with and use weapons suitable to the occasion, but the Volunteers could not be employed as a body under military discipline.

Your Committee is not prepared to suggest any alteration in the way of legislation.

17 *July* 1894.

PROCEEDINGS OF THE COMMITTEE.

Tuesday, 29*th May* 1894.

MEMBERS PRESENT:

Mr. Stern.	Mr. Brown.
Mr. Cubitt.	Mr. Wason.
Sir Albert Rollit.	Colonel Murray.
Sir James Whitehead.	Mr. Warner.
Mr. Woodall.	Colonel Howard Vincent.
Sir Henry Fletcher.	Mr. Munro Ferguson.
Sir Arthur Hayter.	

Mr. WOODALL was called to the Chair.

The Committee deliberated.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 4*th June* 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Mr. Munro Ferguson.	Mr. Brown.
Colonel Howard Vincent.	Mr. Warner.
Sir Edward Hill.	Mr. Wason.
Mr. Cubitt.	Mr Stern.
Colonel Murray.	Sir Arthur Hayter.
Sir Henry Fletcher.	Sir Albert Rollit.

Major General Sir *Francis Grenfell*, G.C.M.G., K.C.B., and Mr. *James Cornelius O'Dowd*, C.B., were examined.

[Adjourned till Thursday next, at Eleven o'clock.

Thursday, 7*th June* 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Mr. Gourley.	Mr. Stern.
Mr. Cubitt.	Sir Arthur Hayter.
Colonel Murray.	Mr. Warner.
Sir Henry Fletcher.	Sir Albert Rollit.
Mr. Wason.	Sir Edward Hill.

Major General Sir *Francis Grenfell*, G.C.M.G., K.C.B., and Mr. *James Cornelius O'Dowd*, C.B., were further examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 11*th June* 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Colonel Howard Vincent.	Mr. Wason.
Sir Edward Hill.	Mr. Stern.
Mr. Cubitt.	Sir Arthur Hayter.
Colonel Murray.	Sir James Whitehead.
Sir Henry Fletcher.	Mr. Munro Ferguson.
Mr. Warner.	Mr. Gourley.
Sir Albert Rollit.	

Colonel *Stanley Bird*, Colonel *W. Bridgford*, C.B., and Colonel *M. B. Pearson* were examined.

[Adjourned till Thursday next, at Twelve o'clock.

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Mr. Gourley	Mr. Warner.
Sir Edward Hill.	Mr. Brown.
Mr. Cubitt.	Mr. Wason.
Sir Albert Rollit.	Mr. Stern.
Colonel Murray.	Mr. Munro Ferguson.
Sir Arthur Hayter.	Colonel Howard Vincent.
Sir Henry Fletcher.	

Colonel *Stanley Bird* was further examined.

Mr. *Frank T. Marzials*, Major *R. M. Ruck*, R.E., Lieutenant Colonel *James B. Sutherland*, Lieutenant Colonel *Robert C. Mackenzie*, and Lieutenant Colonel *E. H. Thorne* were examined.

[Adjourned till Monday next, at Twelve o'clock.

Monday, 18*th June* 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Mr. Gourley.	Sir Arthur Hayter.
Sir Edward Hill.	Mr. Wason.
Mr. Cubitt.	Mr. Stern.
Colonel Murray.	Mr. Brown.

Colonel *Eustace Balfour*, Colonel *Sturmy Cave*, Sir *Edward Hill* (a Member of the Committee) and Colonel *Frank Haddan* were examined.

[Adjourned till Tuesday, 17th July, at Two o'clock.

Tuesday, 17th July 1894.

MEMBERS PRESENT:

Mr. WOODALL in the Chair.

Mr. Stern.	Colonel Murray.
Mr. Cubitt.	Mr. Wason.
Mr. Gourley.	Mr. Brown.
Mr. Warner.	Sir Arthur Hayter.
Sir Edward Hill.	Colonel Howard Vincent.

DRAFT REPORT, proposed by the *Chairman*, read the first time, as follows:—

"1. YOUR Committee were of opinion that the subjects following might be regarded as coming within the scope of their instructions:

Liability to actual Military Service.
Subjection to Military Law.
General Meetings of Corps.
Exemption of Head Quarters from Local Rates.
Recovery of Arms and Property.
Acquisition of Lands for Military Purposes.
Exemption from service on Juries.
Duty in aid of the Civil Power.

"Sittings were held on five days, at which evidence bearing mainly upon these points was received.

"Your Committee had the advantage of hearing the following witnesses:

Major General Sir Francis W. Grenfell, G.C.M.G., K.C.B., Deputy Adjutant General for Volunteers.
Mr. James C. O'Dowd, C.B., Deputy Judge Advocate General.
Colonel Stanley G. Bird, 1st Middlesex Rifle Volunteer Corps.
Colonel Robert Bridgford, C.B., 2nd Volunteer Battalion Manchester Regiment.
Colonel Michael Brown Pearson, 2nd Middlesex Volunteer Artillery.
Mr. Frank T. Marzials, Assistant Accountant General, War Office.
Major R. M. Ruck, R.E., Inspector of Submarine Defences.
Lieutenant Colonel J. B. Sutherland, Queen's Rifle Volunteer Brigade (Royal Scots).
Lieutenant Colonel R. C. Mackenzie, 1st Volunteer Battalion Highland Light Infantry.
Lieutenant Colonel E. H. Thorne, 3rd Volunteer Battalion South Staffordshire Regiment.
Colonel T. Sturmy Cave, 1st Volunteer Battalion Hampshire Regiment.
Colonel Sir E. S. Hill, K.C.B., M.P., Colonel Commandant Glamorganshire Artillery Volunteers.
Colonel E. J. A. Balfour, London Scottish Rifle Volunteers.
Colonel Frank W. Haddan, 4th Volunteer Battalion Queen's (Royal West Surrey) Regiment.

"The views of these officers upon the greater number of subjects on which they were examined were marked by general agreement.

"*Liability to actual Military Service.*

"2. The Volunteer Act, 1863, Section 17, provides that in case of actual or apprehended invasion of any part of the United Kingdom (the occasion being first communicated to both Houses of Parliament, if Parliament is sitting, or declared in Council, and notified by proclamation if Parliament is not sitting), Her Majesty may call out the Volunteer Corps of the respective counties, or any of them, for actual military service.

"3. There was practical unanimity expressed that the national security might be seriously imperilled under conceivable circumstances falling short of 'actual or apprehended invasion,' and that it is expedient that certain exposed forts might be manned by Volunteer Artillery, and that corps enrolled for submarine and other coast defences should be called out at a much earlier stage than the language of the Act would seem to authorise.

"Among the preferable phrases suggested were:—

'Great Emergency.'
'Imminent National Danger.'
'Emergency.'
'Actual Military Necessity.'

"4. Your Committee is of opinion that the language employed in the Reserve Forces Act, 1882, Section 12, and in the Militia Act of the same year under which the Army Reserve men are liable to be called out for permanent service and the Militia to be embodied, 'in case of imminent national danger or of great emergency,' might be most fittingly adopted.

"5. It has also been suggested that the Secretary of State should be empowered to accept services of Volunteers proffered under circumstances falling short of the grave emergency contemplated, and your Committee concur in thinking such an amendment of the law desirable.

"*Subjection to Military Law.*

"6. Volunteers are subject to military law under the Army Act of 1881 when the corps is on actual military service, and 'in the case of an officer when with his own consent he is attached to or doing duty with any body of troops for the time being subject to military law, whether of the regular or auxiliary forces, or, with his own consent, is ordered on duty by the military authorities,' and in the case of non-commissioned officers and men when—

(*a*) They are being trained and exercised with any portion of the regular forces or with any portion of the Militia when subject to military law, and

(*b*) When they are attached to or otherwise acting as part of or with any regular forces, and

(*c*) When their corps is on actual military service.

"Provided that it shall be the duty of the commanding officer of any part of the Volunteer force not in actual military service, when he knows that any non-commissioned officers or men belonging to that force are about to enter upon any service which will render them subject to military law, to provide for their being informed that they will become so subject, and for their having an opportunity of abstaining from entering on that service.

"7. In the opinion of your Committee it is expedient that Volunteers should be subject to military law whenever they are under arms and in uniform, whether associated with the regular forces or not. At the same time it is recognised that the power of dismissal vested absolutely with the Commanding Officer of a Volunteer corps is more valuable as a deterrent, and is more effective for disciplinary purposes than any punishment that would be inflicted under the Army Act, and it is expedient that this power should not be weakened in the event of the adoption of any other form of penalty.

"*General Meetings of Corps.*

"8. Section 24 of the Volunteer Act of 1863 provides that the officers and Volunteers belonging to a Volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules, subject to the approval of Her Majesty, signified by the Secretary of State.

"The following section (25) vests in the Commanding Officer all money subscribed for the corps, all effects belonging to it, and all lands acquired by the corps, and gives to him the exclusive rights to sue for moneys due, to make contracts, &c.

"9. The Regulations for the Volunteer Force (460a) require the annual appointment of a Finance Committee, consisting of the Commanding Officer and not less than three members who may be either appointed by the Commanding Officer or elected by the corps. The discussion of the expenditure of 'moneys received from public funds is not permitted at 'general meetings, nor is it permissible to discuss any matter affecting discipline.' (Regulation 380).

"10. But notwithstanding these restrictions the opinion appears to be widely held that the discussion of rules and even of the finances of the corps is attended by so much inconvenience as to render an amendment of Section 24 highly desirable.

"11. The general feeling as expressed by the Commanding Officers was in favour of a series of uniform rules, approved and altered from time to time by the Secretary of State, supplemented by bye-laws of local and special application, and that assent to these Rules, Regulations and Standing Orders of the corps, subject only to withdrawal upon 14 days' notice, should be made a condition of enlistment.

"*Exemption of Headquarters from Local Rates.*

"12. Section 26 of the Volunteer Act, 1863, requires the Commanding Officer to appoint a proper storehouse for the depositing and safe keeping of arms, ammunition, and stores, and it enacts that every such storehouse shall be free from all county, parochial, or other local rates and assessments.

In the case of Pearson *v.* Holborn Union Assessment Committee heard in the Court of Queen's Bench it was decided that the whole of the premises occupied by a corps for drill, messing, &c., are occupied as if they were Crown property, and are consequently exempt from rating.

"13. 'Beneficial occupation,' or the letting of premises for revenue or for other than the purposes of the corps would, no doubt, subject the premises to liability for local rates, and your Committee see no reason for disturbing such a distinction.

"Recovery of Arms and Property.

"14. Some inconvenience is said to have been experienced from the necessity of satisfying a justice of the peace before obtaining a search warrant, that there is reasonable ground for a suspicion that the missing property is to be found on any premises, and it has been urged that the powers of search should be given, and the corps should be enabled to proceed by more summary process for the recovery of such property.

"Your Committee is not, however, satisfied that it is expedient to alter the law in the sense thus indicated.

"Acquisition of Lands for Military Purposes.

"15. The Military Lands Act of 1892 is a consolidation of Acts, including the Ranges Act of 1891. Under its provisions Volunteers may, with the consent of the Secretary of State, purchase lands for military purposes, and the Public Works Loan Commissioners may lend money, repayable in not more than 50 years. Under the Act money cannot be advanced for the erection of buildings, though it has been held that any buildings already erected may be included in the valuation of the property. It is held that if the corps are able to produce adequate security, such as will, having regard to the circumstances of each case, satisfy the Secretary of State, they should be enabled to borrow money for the erection of drill halls and other such buildings, and for the equipment of ranges, as well as for the acquisition of the necessary land. It is possible that further advances might be made as in the case of a second mortgage as the property acquired increased value in consequence of the buildings thereto added. It is, however, desirable that the law should be made clear, and that with adequate security such as will satisfy the Secretary of State, advances from public funds should be available for the erection of suitable buildings approved by him.

"16. It has also been reported that some inconvenience arises from the difficulty of diverting roads and footpaths, the use of which has been made dangerous by the establishment of ranges, and this appears to call for remedy whenever the Military Lands Act may come before Parliament for amendment.

"Exemption from Service on Juries.

"17. More than one witness pressed that Volunteers (officers, and non-commissioned officers particularly), should be exempted from service on juries, and it was stated that such exemption would have an appreciable effect in overcoming the reluctance of desirable men to give their services as officers. The subject was brought to the notice of the late Lord Chancellor; but it is understood that claims of a like character, from other classes of persons hardly entitled to consideration, raise difficulties in the way of obtaining the desired concession which are felt to be practically insuperable.

"Duty in aid of the Civil Power.

"18. As the regulations stand, the civil power is not entitled in any case to call upon or order Volunteers to act as a military body in preservation of peace. The regulations provide that in case of serious and dangerous riots and disturbances the civil authority may require Her Majesty's subjects generally, including members of the Volunteer force, to arm themselves with and use weapons suitable to the occasion, but the Volunteers could not be employed as a body under military discipline.

"Your Committee is not prepared to suggest any alteration in the way of legislation."

Question, That the Draft Report proposed by the *Chairman* be read a second time, paragraph by paragraph,—put, and *agreed to.*

Paragraphs 1—2, *agreed to.*

Paragraph 3, amended, and *agreed to.*

Paragraph 4, *agreed to.*

Paragraph 5.—Amendment proposed, in line 1, after the word "to" to insert the words: "call out portions of corps and"—(Mr. *Brown*).—Question, That those words be there inserted,—put, and *agreed to.*

Another Amendment made.

Paragraph 5, as amended, *agreed to.*

Paragraph 6, *agreed to.*

Paragraph 7.—Amendment proposed, in line 2, to leave out the words, "and in uniform"—(Mr. *Brown*).—Question, That the words "and in uniform" stand part of the paragraph,—put, and *agreed to.*

Another Amendment proposed, in lines 2 and 3, to leave out the words, "whether associated with the regular forces or not"—(Sir *Edward Hill*).—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 5.	Noes, 5.
Mr. Brown.	Mr. Cubitt.
Sir Arthur Hayter.	Mr. Gourley.
Mr. Stern.	Sir Edward Hill.
Mr. Warner.	Colonel Murray.
Mr. Wason.	Colonel Howard Vincent

Whereupon the *Chairman* declared himself with the *Ayes*.

Another Amendment proposed, in line 7, to leave out the words, "in the event of the adoption of any other form of penalty"—(Mr. *Brown*).—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived*.

Paragraph, as amended, *agreed to*.

Paragraphs 8—10, *agreed to*.

Paragraph 11, amended, and *agreed to*.

Paragraphs 12—14, *agreed to*.

Paragraph 15.—Amendment proposed, in page 4, line 2, to leave out the words, "as in the case of a second mortgage"—(Mr. *Wason*).—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived*.

Paragraph, as amended, *agreed to*.

Paragraph 16, *agreed to*.

Paragraph 17.—Amendment proposed, in line 4, to leave out the words "as officers," and insert the words "an opinion in which your Committee concur"—(Mr. *Gourley*.)—Question, That the words proposed to be left out stand part of the paragraph,—put, and *negatived*.

Question, That the proposed words be there inserted,—put, and *agreed to*.

Another Amendment made.

Paragraph 17, as amended, *agreed to*.

Paragraph 18, *agreed to*.

Question, That this Report, as amended, be the Report of the Committee to the House,—put, and *agreed to*.

Ordered, To Report, together with the Minutes of Evidence and an Appendix.

EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From whence Summoned.	Number of Days Absent from Home, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and Back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
R. Bridgford - -	Gentleman - - - - -	Manchester - -	2	2 2 –	2 14 –	4 16 –
Robert C. Mackenzie -	„ - - - - -	Glasgow - - -	3	3 3 –	5 15 3	8 18 3
James B. Sutherland -	„ - - - - -	Edinburgh - -	3	3 3 –	5 14 6	8 17 6
				TOTAL - - - £.		22 11 9

MINUTES OF EVIDENCE.

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MINUTES OF EVIDENCE.

Monday, 4th June 1894.

MEMBERS PRESENT :

Mr. Brown.
Mr. Cubitt.
Mr. Munro Ferguson.
Sir Henry Fletcher.
Sir Arthur Hayter.
Sir Edward Hill.
Colonel Murray.
Sir Albert Rollit.
Mr. Stern.
Colonel Howard Vincent.
Mr. Warner.
Mr. Wason.
Mr. Woodall.

MR. WILLIAM WOODALL IN THE CHAIR.

Major General Sir FRANCIS WALLACE GRENFELL, G.C.M.G., K.C.B., and Mr. JAMES CORNELIUS O'DOWD, C.B., called in ; and Examined.

Chairman.

1. (To General *Grenfell.*) YOU are Deputy Adjutant General of the Volunteers?—I am.

2. And you have held that appointment since May 1892?—I have.

3. You have favoured the Committee with a scheme of evidence which I propose to follow, rather than adhering to the strict lines of the questions put down on the paper circulated. In the first place, I would like to ask you to give the Committee your views on the subject of courts of inquiry ; I would like to ask you if you think that officers or volunteers should be given a right to claim a court of inquiry before dismissal?—No, certainly not, it not being the custom in the regular Army. The decision of the Crown, I think, should be absolute on that point.

4. Are you aware of any misconception remaining as to what is the practice in the regular Army?—Yes ; in applying for courts of inquiry, volunteer officers frequently quote the Army Regulations wrong ; they ask for a court of inquiry, "as is allowed in the Army;" but it is not allowed in the Army. No one can claim a court of inquiry in the Army.

5. But it frequently occurs, you say, that courts of inquiry are asked for by officers?—Yes, and they may be granted ; but the right of claiming a court of inquiry is not recognised.

6. Although an officer has no right to claim it, the expediency of granting such a court of inquiry is often conceded?—It is sometimes conceded. He has no absolute right to claim such a court.

Sir *Henry Fletcher.*

7. It is generally the custom for the court of inquiry to be presided over by a volunteer officer, is it not?—It must be.

8. But are you aware that cases have arisen in which a regimental district colonel, has been appointed to preside over a court of inquiry?—No ; I know cases in which inquiry has been made by a regimental district colonel, but I do not know of a case in which he has presided ; I mean under the decision of the Secretary of State.

9. Do you know a case in which a regimental colonel was appointed to preside and then it was found that it was illegal, that it must be presided over by a volunteer officer?—That has never come to my knowledge since I have been at the War Office.

10. The question I am now about to put to you is in connection with some question which I happen to have personally knowledge of ; it occurred in my district. When it was found that the district regimental colonel was incapacitated from presiding, then the brigadier commanding the brigade in the district was appointed ; do you consider that that is within the requirements of the Act?—The requirement of the Act is that it shall be an officer in the county ; it must be an officer belonging to the county.

11. The brigadier would be an officer in the county, but he is not a volunteer ; he is brigadier commanding with the rank of colonel in the Army, but need not necessarily be a volunteer officer?—I have never seen such a case ; I do not know whether Mr. O'Dowd has.

12. (To Mr. *O'Dowd.*) I want to ascertain if

 a brigadier

Sir *Henry Fletcher*—continued.

a brigadier not being a volunteer, but being an officer of the regular Army, is eligible?—The Act says, "such court, where the inquiry is with reference to an officer, to be composed of officers of the volunteer force belonging to the county, and in other cases to be composed either of officers and volunteers belonging to the corps or regiment, or of such officers, or of such volunteers." That is in the Volunteer Act of 1863, Section 15. My reading of that is, that it is limited to volunteer officers of the county. Whether a brigadier, which is a new and different institution, would fulfil the condition is a question. I should think he would, inasmuch as he complies with the description of a volunteer officer of the county.

13. I was rather anxious to get that cleared up?—That is my opinion.

14. The brigadier who is not an enrolled volunteer, I am referring to?—That would make a difference; I should say that under the Act it is a necessity that he should be a volunteer of some sort.

15. You see the brigadiers were appointed after the passing of the Act?—Yes.

Sir *Albert Rollit.*

16. (To General *Grenfell.*) Supposing the brigadier not to be a volunteer, do you think it expedient that he should preside over a court of inquiry?—I do not see why he should not; in fact he has got such a knowledge of his brigade that it would be valuable if he did. As to the law I am not quite certain.

Sir *Edward Hill.*

17. Would an adjutant be eligible to sit on that court; he is not a volunteer, strictly speaking?—At the same time he is in a position of adjutant of volunteers; it seems to me he would be in almost an analogous position to a brigadier.

18. Could an adjutant sit on a court of inquiry?—I think it is seldom done as a rule, but he might; he is considered as a volunteer.

19. Then, if so, the brigadier is in exactly the same position?—Not quite, I think, in the same position. One is identified with the corps and the other with the brigade.

Mr. *Cubitt.*

20. As to his legal position, that would be the same?—It is laid down for an adjutant, and not for a brigadier. (Mr. *O'Dowd.*) My opinion is, that an officer of the regulars attached as an adjutant to the volunteers is for all purposes while he holds that appointment a volunteer; that is my opinion.

Chairman.

21. (To General *Grenfell.*) But, whether or not a brigadier or an adjutant is competent to act on such a court of inquiry, you think he should be?—My point is this: in the Act it states at Section 3 that "all adjutants shall be deemed officers of the respective corps." Therefore he becomes a volunteer in my opinion.

Colonel *Howard Vincent.*

22. He would be in the same position as a non-commissioned officer of the permanent staff, who by Section 15 of the Act of 1863 can be placed on a court of inquiry?—Yes; and it states here "and all such serjeant instructors shall be deemed to belong" to the respective corps wherein they serve.

23. Her Majesty, through the authorities, can appoint a court of inquiry "to inquire into any matter relative to the corps or regiment, or to any officer or volunteer, or non-commissioned officer of the permanent staff belonging thereto?—Yes.

24. And under the same Act "The commanding officer of a volunteer corps or administrative regiment may at any time assemble a court of inquiry, composed either of officers and volunteers belonging to the corps or regiment, or of such officers, or of such volunteers, to inquire into any matter relative to the corps or regiment, or to any volunteer or non-commissioned officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry." There is ample protection in the present Act?—Yes.

25. And you do not think that any change is necessary?—I do not think so.

Chairman.

26. I pass now to the question of actual military service. The words in the present Act are "actual or apprehended invasion;" is it not so?—Those are the words.

27. "In case of actual or apprehended invasion of any part of the United Kingdom Her Majesty may direct," &c., &c. It has been proposed that the words "imminent national danger" should be substituted for the words now standing in the Act, has it not?—Yes, it has been proposed. (Mr. *O'Dowd.*) These are the words which authorise the calling out of the reserves and the militia, "imminent national danger or great emergency," and that now applies to the yeomanry.

28. (To General *Grenfell.*) Will you give the Committee your views with regard to the expediency of adopting the words "imminent national danger" for those which now stand in the Act?—I think it would be an advantage if we could ascertain whether the volunteer corps agreed to that, as a rule, as a body.

29. But attempts have been made by previous Governments, have they not, to bring the volunteers under the National Defence Act?—Yes; that is not quite the same. Under the National Defence Act they would be called out whenever the militia was called out; but I think, without bringing them under the National Defence Act, if you altered that term, you still might get the advantage of calling them out quickly and using them while the militia were being mobilised.

30. You think the terms "actual or apprehended invasion" are not quite sufficient to meet any special emergency which it might be required to meet?—I should like to have an easier term, such as "a time of great emergency," or, as has been already proposed, "imminent national danger."

31. Now, what would be the objection that might

Chairman—continued.

might conceivably be urged against that; is it that the volunteers are engaged in civil avocations?—I suppose it is possible that the employers of labour might be alarmed; but the volunteers must, as a rule, agree to it before it is introduced.

32. If I rightly understand you, you apprehend that the objection might come from the volunteers themselves?—It might; but I really do not know, because I have never seen it put to them; though I know that nearly every commanding officer that I have spoken to is anxious that these words should be substituted, or some words which would make it easier to call out the corps.

Sir *Henry Fletcher.*

33. Could you suggest any other words than those proposed by the Chairman?—I should prefer "a time of great emergency."

34. What difference would that make in the calling out; have you any object in suggesting those words?—Now you must actually declare that an invasion is imminent or that invasion has taken place.

35. Do not you think that it would be desirable to insert words which would prove to be the easiest way of getting the volunteers together?—Yes, I do. Whatever were the best words to be found would be the best to use.

36. Do you think, from what you have heard from volunteer commanding officers, that that would be unpopular among the volunteer corps generally?—No; quite the contrary.

37. You think they wish to make themselves as useful as they possibly can?—I am sure they do.

Chairman.

38. You do not think that the liability to be called out for service under those conditions would deter many persons from joining the force?—I only know from conversation with officers commanding, and they do not apprehend that

Sir *Henry Fletcher.*

39. I suppose there would be no objection, that it would not make it more inconvenient, and probably it would make it more popular with the volunteers, if there were some such words as that they were not to be called out till after the militia and other reserves had been called out?—I meant to call them out while the Militia are mobilising.

40. After the orders for mobilisation of the militia?—Yes; I think that might meet the case.

41. That would probably avoid any scare on the part of the volunteers, would it not?—I think so.

42. Then I suppose even if the volunteers were reduced say 10 or 20 per cent. in numbers they would be more useful even as a reduced force with the possibility of being called out at once than they would be if they were a very large force under the present circumstances?—That would depend on the reduction; but I

Sir *Henry Fletcher*—continued.

think so. I think we might sacrifice a certain number for increased usefulness in that way.

43. At present it is, is it not, a great detriment to the force?—No, I cannot say that is a great detriment to the force; but I think it would be a great improvement if it were made easier.

Chairman.

44. Perhaps it might save time if I were to put another question to you; will you indicate to the Committee what, in your judgment, would be the course in the event of mobilisation; what would be the order in which you would require the services of the militia and the volunteers respectively?—I think you would require the services of whatever arm you found nearest to the point of invasion. You might find a town or part of the country where there were a large number of volunteers. But you could not call them out until you were quite certain that invasion was imminent.

45. You would want volunteer artillery immediately, would you not?—You would want volunteer artillery. I think that would be the value of being able to man the forts with volunteer artillery. For example, I might give an instance at Portsmouth; some of the forts are manned there by militia from Scotland; it would take a long time to get the militia from Scotland, whereas we might use local volunteers if there was any danger to Portsmouth; if the terms were easier we might immediately use those volunteers for the defence of that particular place.

46. You would, under such circumstances, require the services of the volunteer artillery I suppose, immediately?—Immediately, I conclude.

Mr. *Brown.*

47. Have you power to call up a portion of the volunteer corps, say the artillery, or the rifles?—You can call up a corps, but not a portion of a corps; the words are "any of them."

48. Do you not think that some advantage might be gained from the power of calling up portions of corps?—I certainly think it would.

Mr. *Warner.*

49. You have rather referred to the calling up of the volunteers as a temporary measure while the militia were being prepared to take their place; is it not possible, and is it not rather the idea of mobilisation that when we were engaged in a very serious war, the militia would possibly be sent out of the country to a great extent and the volunteers might be required to take their place permanently?—At present in case of invasion, that hardly would work.

50. But I mean supposing the alteration is made, is not that one of the objects of the alteration?—I think it is.

Mr. *Wason.*

51. How would you define "great emergency"?—Well, it is very difficult to define, but I think one knows pretty well what a great emergency would be; I do not mean any civil difficulty.

52. That is what I wanted to ask you?—I do not include that.

Mr. *Wason*—continued.

53. Like the riots that took place in Yorkshire, for instance; you would not suggest employing them in such a case as that?—No, I should not suggest that.

Chairman.

54. You would not think it desirable that volunteers should be liable to employment in case of civil disturbance?—I would not.

Sir *Arthur Hayter.*

55. You would preserve the words at present in the Act in regard to Parliament being communicated with, or a declaration of the intention?—Yes, I think so.

56. Do you think with that declaration the employers of labour would make any difficulty in the matter?—I hardly think they would; but I cannot say; I can only speak from what I have heard from the commanding officers, and they seem to have no apprehension on the matter.

57. There is no means of ascertaining whether the employers of labour would make any difficulty?—No, it is very difficult, and I could not say from any personal knowledge what the effect would be.

58. Therefore, you would argue for a change in the Act without reference to the opinion of the volunteer force?—No; I said in my first answer that I thought before such a change was made, the feelings of the volunteer corps ought to be ascertained.

59. How would you proceed to ascertain them?—I think that commanding officers should ascertain them and report; and officers might say: "My corps unanimously agree to it."

Colonel *Howard Vincent.*

60. Taking the words in the Act "actual and apprehended invasion," do they mean in your opinion, and in the opinion of the military authorities, that the volunteers could not be utilised till the enemy was actually off the coast, or had actually set foot on British shores?—I am afraid so.

61. And that would be too late for any useful purpose to be served?—It might be too late.

62. And is it not a fact that a deputation waited upon the Secretary of State for War and was received by the Under Secretary, Lord Sandhurst, in company with yourself in June or July last year to urge this matter?—Yes.

63. And are you aware that a meeting of the Commanding Officers Institute took place last Thursday, sanctioned by His Royal Highness, and that this change was adopted unanimously?—I have heard that.

64. Is it not the fact that the military authorities would always be under the control of Parliament, and would be unable to exercise the power of calling out or interpreting "great emergency" or "imminent national danger" in any way contrary to the constitution?—That is so.

65. And that the military authorities quite recognise that Parliament would be in session at that time in all probability, and would always be

Colonel *Howard Vincent*—continued.

able to exercise a controlling influence?—Certainly so.

66. And nothing that you have heard from any commanding officer or otherwise has led you or any of the military authorities to believe that this change would materially interfere with the popularity or the numbers of the force?—On the contrary, as a rule commanding officers have always told me that they thought it would be a very popular measure in the force; it would raise the status of the force.

67. And there would be no difficulty, if necessary, in ascertaining from commanding officers the feeling of the force on the subject?—I think not.

Sir *Edward Hill.*

68. As regards volunteer artillery inasmuch as they can be called upon to man the forts, and many of them have had no opportunity whatever of seeing or learning anything about it, is it not absolutely necessary that there should be some little time given for them to become acquainted with those duties; and if it were to happen under the present wording of the Act would that give the necessary time?—I can hardly say that; but of course although they would not be working their own guns they might be working similar guns; at any rate at a time of great emergency like that we should have to do the best we could.

69. I am speaking of my own regiment, where we have not a single gun to drill with, that we should be called upon to use when they were manning forts; and I take it you are of opinion that the gradual calling out of the volunteers would be the least inconvenience to them, and that if you had this change of the words to "a time of great emergency" or "imminent national danger," it might be so done; that is to say, you would not require to call out the whole of the corps; it might be a half or a third?—I think it would be an advantage if you could call out a half or third of the corps. Under the present regulations you can only call out a complete corps.

70. Do you not think that the calling out of a complete corps might not be a necessary act under any circumstances, and that it would be quite sufficient to call out a certain proportion of them allowing that proportion, say a third, to be relieved by another third a little later on, and so familiarise the whole of the corps with the duties; and then if invasion came we should have the whole corps trained?—I think so.

Sir *Albert Rollit.*

71. You said in reply to a previous question that it was necessary according to the construction of the military authorities, that there should be a foot set on shore by an enemy in order to come within these words; does that give force to the words "apprehended invasion," in the phrase in the case of "actual or apprehended invasion"?—I did not say that there must be actual invasion.

72. That was the question put to you?—I did not understand that; I think if an hostile fleet

was

4 *June* 1894.] Major General Sir F. W. GRENFELL, G.C.M.G., K.C.B., and Mr. O'DOWD, C.B. [*Continued.*

Sir *Albert Rollit*—continued.

was approaching our shores, or if our own fleet were destroyed, the words would apply then.

73. Or if there was an assembly as there was under Napoleon on the other side of the Channel, that would be within the term "apprehended"?—I think so.

74. Having regard to the service of volunteers under the Act of 1863, do I understand you to say that every existing volunteer would have to agree to new terms; would not that be so?—I believe he would. (Mr. *O'Dowd*). It has always been the practice when new obligations are imposed on any military person to make them applicable only with the consent of that person, or to those who might hereafter join the force affected by those obligations. That was the case in the case of the National Defence Act of 1888. Before that Act, under the old Act of George III., the yeomanry were liable to be called out "in case of actual invasion, or the appearance of the enemy in force off the coast." The National Defence Act of 1888 made a difference; it provided that the yeomanry might be called out for actual military service when an order for the embodiment of the militia had been issued. But this affected the then existing yeomanry only with their consent.

75. So that it was correctly suggested that every existing volunteer serving under the Act of 1863 would have to assent to a change in the law; in other words to re-enlist?—That would be in accordance with the general practice.

76. (To General *Grenfell.*) Let us then put it clearly; according to your view of the law every volunteer serving under the Act of 1863 would have to give his assent to the new conditions that were imposed?—I believe so, after hearing what Mr. O'Dowd has said. (Mr. *O'Dowd.*) I think that whenever there has been legislation anew imposing fresh obligations they have been binding only on the new people or the old people who may give their assent to be subjected to them.

77. Would you think it desirable that there should be given to the Department or to the Government power to accept the services of volunteers on other occasions under other conditions than those of apprehended invasion?—I do not quite understand the purport of the question.

78. At present you suggest that the Government should be at liberty to call out the volunteers in cases of emergency?—Yes.

79. Would you think it advisable that power should be given to the Government to accept the services of volunteers which are tendered under other conditions under other circumstances?—You mean that if we adhered to the present regulations, and if a certain number of volunteers volunteered to come out the Government might accept their services?

80. (To General *Grenfell*). Would you think it desirable to give power in that direction?—I think it would strengthen us.

Chairman.

81–82. Is there anything now to prevent the Government accepting volunteer service of that kind?—I think it is not legal. (Mr. *O'Dowd.*) I do not think volunteers can voluntarily place themselves under military law unless that is provided by the Act, and that any volunteering on their part to undertake another kind of responsibility beyond that which is provided in the Act would not bind them legally.

Sir *Albert Rollit.*

83. (To General *Grenfell*). That is my view of the law; I have only one other question to ask you, and that is, would not your term, "in case of emergency" (leaving out the word "national") have the advantage of enabling the volunteers to be called out in the event of what I may call imperial danger at a distance, draining this country of troops; whereas the word "national" would rather restrict it to circumstances arising within this country; I do not like to suggest particular cases, but supposing there were an invasion of Canada, for instance, that would scarcely be a national emergency, but it would come within your suggested term of "great emergency"; would not that be an obvious advantage?—I think it would; it leaves it more open.

84. (To Mr. *O'Dowd.*) And I put it to you if the word "national" were used, would not it have a tendency, at any rate, to restrict it to circumstances arising actually in this country, whereas the danger might be as great if they arose abroad?—If I were legislating I should change the thing altogether, not only in the volunteers but the other auxiliary forces. I should put "in the event of emergency." "Great emergency" is tautology. "Emergency" by itself is something beyond the common with which your ordinary resources are not sufficient to cope. Therefore I would put in all these Acts "emergency." In the case of Egypt, that was not a national danger, but we know that these words had to be used in the proclamation in order to legalise the calling out of the reserves and militia.

85. So that, in any case, you would omit the word "national"?—Yes; and more than that, I would put the word "emergency," leaving out "great." I would use the word to give a very large power to the Crown, and then leave it as a question of policy to the Minister of the day to decide in what order and to what extent the auxiliary forces should be utilised.

86. My special point is that the word "national" is undesirable as being restrictive?—Yes.

Colonel *Howard Vincent.*

87 (To General *Grenfell.*) Arising from what an honourable Member has put to you as to the consent of every volunteer now serving being necessary before this change can be made, is it not a fact that all volunteers or very nearly all volunteers in the great majority of the corps enter into a civil agreement with their commanding officer for a fixed period of service?—Yes.

Colonel *Howard Vincent*—continued.

88. And is it not the fact that in that agreement, the form of which is approved at the War Office, such words occur as these: that, as a volunteer, he undertakes to make himself efficient in so many years, dating from such and such a time, and to abide by such regulations as may from time to time be made?—Yes, that is in our model rules, and is adopted generally.

89. Therefore, the volunteer, by the agreement which he enters into with his commanding officer for a fixed period of service, consents to a variation of the rules under which he has signed the agreement?—I do not follow the question.

90. What the volunteer signs is an agreement to abide by the rules now in force, or such regulations as may from time to time be made by the proper authorities. He does not, in joining, limit his consent to any particular rules; he admits the possibility of those particular rules being varied?—But I think if you vary the rules greatly you have to obtain the consent of the volunteer.

91. Under what authority would that be?—I mean to say in the case of a fine, for instance, if you increased your fines, or any financial obligation, before you are able to get a judgment against a volunteer, I think you would have to obtain his consent to such a change of rules.

92. I will put this case: The musketry regulations have lately been made more severe,—stricter?—Yes.

93. Entailing, therefore, the giving of more time and more attention on the part of the individual volunteer. When volunteers, now serving, entered into their agreement, did they not know that the conditions of the regulations might be altered. No consent of the volunteers was necessary for the change of those musketry regulations?—No, I think not; but there was no penalty attached for the recovery of a fine.

94. The penalty would be for non efficiency?—Yes.

95. Therefore the volunteer has to pay the fine?—Yes.

96. The conditions of efficiency being increased, his liability also increases?—Yes. But any volunteer might claim his dismissal on that, because you can recover against him by law.

97. I never had the point raised that there was any difficulty at all. The real fact of the matter is, as the Committee are aware, that every volunteer enters into an agreement with his commanding officer for a fixed term of service, and that he agrees in this agreement that the conditions of efficiency may be altered by authority?—I think, in the case put, he might claim his dismissal.

Sir *Albert Rollit.*

98. (To Mr. *O'Dowd.*) I want to ask whether an agreement which varied the Act, especially with regard to embodiment, would not be *ultra vires*?—I should say certainly as to embodiment; I should say as to any alteration of the rules. The contract is a private contract quite apart from this Act; and like any other contract would be a matter for adjudication by the proper tribunal.

Sir *Edward Hill.*

99. (To General *Grenfell.*) Is it not a fact that there are a very large number of volunteers who enlist without any such special contract?—That I do not know; it is in the hands of commanding officers, and it does not come to us.

Mr. *Brown.*

100. I understand you that in certain cases the War Office under special circumstances and special agreements do accept the services of volunteer corps; for instance, the Post Office corps in the Egyptian campaign?—That is quite special; those men are specially enlisted.

101. Sometimes the Government have taken them on their volunteering into the service; are they specially enlisted then?—Yes; the men of the Post Office are in the First Class Army Reserve; that is the reason; and the other volunteers are not.

Mr. *Warner.*

102. Would it not be possible for the Government to especially enlist any number of men that they pleased?—You might extend it, certainly; you might extend what you have done to the Post Office to others.

103. They have power to do so now?—Yes; the Post Office volunteers enlist in the First Class Army Reserve, and then they are liable to serve.

104. But they cannot be specially enlisted for a short period without being in the Army Reserve?—No, they cannot. (*Mr. O'Dowd.*) There is no term of enlistment prescribed for the ordinary volunteer; that case of the Post Office is quite exceptional.

105. (To General *Grenfell.*) I think you misapprehended my question: it was this: taking an ordinary volunteer who was willing to volunteer for active service, or any special service, could he be temporarily enlisted in the Army for that special service?—He would cease then to be a volunteer.

106. Of course; but he could be temporarily enlisted?—Like anybody else; all enlistments in the Army are regulated by the Army Act, which prescribes certain limits of service with the colours. Of course it is in the power of the authorities to dispense with that, and then they could put them in the reserve after six months.

Chairman.

107. After one day's service?—The Post Office corps, I believe, as a matter of fact, had one day's service in the regular Army, and then went to the reserve just to comply with the Act of Parliament.

108. (To Mr. *O'Dowd.*) With regard to the general question of discipline among the volunteers; what are the present powers of a commanding officer as to the power of discharging and striking off the muster roll?—May I say that I thought it would be for the convenience of the Committee if I drew up a very short epitome of the conditions relating to discipline, &c., if you would allow me to read it.

109. Yes?—"Epitome of the Statute Law providing for the discipline and service obligations of

Chairman—continued.

of volunteers (1) when not on actual military service.

"The commanding officer of a volunteer corps may discharge any volunteer for disobedience of orders while doing duty, for neglect of duty or misconduct as a member of the corps, or for other sufficient cause, to be judged by the commanding officer.

"If any volunteer, while under arms or on the march, on duty with his corps, or at drill or exercise, or wearing uniform, or going to or from the place of assembly, &c. of the corps, disobeys any lawful order, or is guilty of misconduct, the commanding officer may order the offender, if an officer, into arrest, and, if not an officer, into the custody of a volunteer, such arrest or custody not to last longer than the time during which the particular duty or exercise may continue.

"An officer of the volunteers is made subject to military law (1) when in actual command of men who are themselves under military law; (2) when, with his own consent, he is attached to or doing duty with a body of troops then subject to military law; or (3) when, also with his own consent, he is ordered on duty by the military authorities.

"The non-commissioned officers and men of the volunteers are subject to military law (1) when they are being trained or exercised with any portion of the regulars or militia when subject to military law; (2) when they are attached to, or otherwise acting with, the regulars.

"But in either of these cases it is the duty of the commanding officer to cause the men to be informed that by entering on such service they will become subject to military law, so that they may have an opportunity of abstaining from entering on that service.

"A volunteer, while serving, or on voluntarily quitting his corps, or on discharge, is liable, in respect of the arms or other public property issued to him as a volunteer, his subscriptions or fines in accordance with the rules of the corps, and fines under the bye-laws. In default, he is liable to a pecuniary penalty recoverable before two justices in manner directed by the Summary Jurisdiction Acts."

All that relates to the volunteers when not on actual military service. Now, when they are on actual military service, in the words of the Act, in case of "apprehended invasion."

"In case of actual or apprehended invasion of any part of the United Kingdom, all or any of the volunteer corps may be called out 'for actual military service.' Any member of a corps, so called, who does not assemble, and is not physically incapacitated, is to be 'deemed a deserter.' From the day on which the corps is called out until an order is issued, after a proclamation declaring the occasion to have passed, its members are all subject to military law, and (excepting certain provisions as to enlistment and duration of service) are subject to the Army Act 'in all respects, as if they were part of the regular forces.'

"A non-commissioned officer or private is also liable to dismissal as a punishment for an offence punishable by court martial or a commanding officer. Thus there is, even when they are under military law, a power in the commanding officer to dismiss.

"The officers and men of the permanent staff of the volunteers are always subject to military law." That, I think, contains the gist of it.

110. (To General *Grenfell.*) Now, under the existing regulations, the commanding officer is the sole judge of the righteousness of the cause for which he can dismiss anyone from the force; can you give the Committee any opinion as to whether you think that that works unjustly or too arbitrarily?—No, I do not think so at all. I think it is the only way in which you can preserve discipline in the corps.

111. Has it been brought to your knowledge that there has been any serious resistance to the rule?—No.

112. You do not think there is cause for alteration?—There are complaints after dismissal; I cannot say often; but there are some complaints after dismissal.

113. And in that case are the complaints made to the War Office?—Generally to the Secretary of State by private letter.

114. But is it within your knowledge that the Secretary of State has ever taken upon himself to reverse the decision of some commanding officer?—No; I have inquired, and we can trace no such case; the commanding officer has invariably been supported.

115. How far does Volunteer Regulation No. 381 modify the rule in Section 21 of the Act?—I do not think it modifies it; it allows appeal to the colonel. It is rather intended for a volunteer who thinks himself wronged by his captain.

116. That gives the right of appeal in certain cases to the general officer commanding the district?—Yes, it does; but the term "on dismissal" stops the military appeal; he becomes then a civilian.

Sir *Henry Fletcher.*

117. With regard to regimental camps, could you suggest whether any alteration should be made in the powers of the commanding officer for punishing volunteers for offences committed while the regiment is in camp?—Of course his powers are that he can arrest a volunteer during the time of the camp; I do not know that you can go beyond that.

118. I meant powers of inflicting punishment; I have had considerable experience of regiments in camps in which the commanding officer has no power to punish a man except to dismiss him?—He can imprison him for a week at a time if the corps is in camp for that time.

119. He can imprison him, but not inflict a fine; do you think it is desirable that a commanding officer should have that power to inflict a fine on a man, or confine him to camp other than close confinement?—He can confine him to camp now.

120. I do not think he can?—I should say if you can arrest a man and put him in the guard-tent, you can also tell a man that he must not leave the camp.

121. Then in regard to fines, do you think

Sir *Henry Fletcher*—continued.

fines desirable?—No; we have had no complaints from the commanding officers in reference to difficulty in enforcing discipline.

Mr. *Brown.*

122. Have you had cases where, when the volunteers have been with the regulars, there has been difficulty in having them punished by military law?—I have never known such a case.

123. Are there no such cases at the War Office?—None in my time; I very much doubt if there are any.

124. The threat of dismissal from the corps by the commanding officer is sufficient to maintain discipline, you think?—I think so. I think the volunteers are not aware really when they are under the Army Act and when not.

Colonel *Howard Vincent.*

125. Under the 21st section the Volunteer Act of 1863 gives the commanding officer of a volunteer corps power to "discharge from the corps any volunteer, and strike him out of the muster roll, either for disobedience of orders by him while doing any military duty with his corps, or for neglect of duty, or misconduct by him, as a member of the corps, or for other sufficient cause, the existence and sufficiency of such causes respectively to be judged of by the commanding officer;" is not that legal power given to the commanding officer by the Volunteer Act of 1863 the best means, and does it not give the commanding officer the power of preserving discipline?—I think so.

126. And in the 31 years since that Act was passed the cases have been exceedingly few in which the War Office has heard of the power being exercised in an arbitrary or unjust manner?—Very few; I do not know a case.

127. The records do not show a case?—Not in my time; but I am told that though there may have been a few cases, they have been very few.

128. And the power of dismissal with the moral stigma which it entails, acts as a great help to preserve discipline in the force?—It certainly does.

129. And you would be very averse to any modification of it on any ground?—I should.

130. And nothing which you have ever heard of since you have been Deputy Adjutant General which has been recorded, or which the War Office knows of, shows any ground whatever for depriving a commanding officer of this power?—No ground whatever; it works very well.

Sir *Edward Hill.*

131. I take it that when the volunteers are under the military law, as they are when they join a brigade with regulars, then they are liable to such regulations as the commander of the combined forces may issue according to the power he has by the Mutiny Act?—Yes.

132. And in addition to that the colonel of volunteers has the power of dismissing the offender if he thinks fit?—Yes, he has.

133. And that you consider to be a very proper power, and sufficient for the maintenance of discipline?—I think so.

Sir *Albert Rollit.*

134. Do you not think it might be desirable to modify the extreme penalty of dismissal for minor offences?—I think it much better to leave it to the commanding officers, who are the best judges.

135. Would you not think it better to give the commanding officer power to modify the extreme penalty of dismissal by fines or otherwise?—Yes; he has that to a certain extent; he can imprison a man for the time that his corps is out, and yet not dismiss him.

136. But imprisonment for the whole time is a somewhat severe penalty?—Yes; but he can confine him to camp.

137. Do you not think that the suggestion is worth entertaining, that in the case of very minor offences fines might be useful in place of dismissal?—You would have to alter all the rules; that would involve new rules.

Colonel *Murray.*

138. Is it found in practice that for minor offences in discipline, short of being dismissed from the regiment, the punishment of confinement to camp is sufficient?—I think so. Of course at the War Office we do not hear so much of minor offences; the general officers commanding would know better than I can about that; we have had no complaint that it works badly in any way.

Chairman.

139. Then you think that the section, on the whole, works so satisfactorily that there is no occasion for any disturbance?—I think so.

140. (To Mr. *O'Dowd.*) Now may I ask you to inform the Committee under what circumstances officers in the volunteers are placed under the Army Act?—I think, if you refer to the memorandum which I just now read, you will see that it is when they are in command of men who are themselves under the Army Act; when they are attached to or are doing duty with men who are under the Army Act, whether of the ordinary line or of the militia; also when ordered on any duty by the military authorities; in either case with their own consent.

141. (To General *Grenfell.*) Do you think that officers and volunteers, or either, should be placed under the Army Act to a greater extent than now?—I am told that they are anxious for it themselves, and I think it would be an advantage.

142. Supposing it was proposed, for example, to place the commanding officer himself under the Army Act, and to leave the subordinate officers and the private volunteer exempt from it, would that commend itself to you?—No, I cannot see any advantage in that. I think it must be the whole or none.

143. Can you indicate what particular advantage

Chairman—continued.

tage would be gained by the proposed change?—I think it would tend to raise the status of the force; and they so frequently are under the Army Act now, I do not think an extension would alarm the men of the volunteer service in any way. (Mr. *O'Dowd.*) I should say that in the militia the officers are under the Army Act during the whole year; the men only during the period of training, or when they are embodied.

144. The yeomanry are under the Act whenever they are called out?—The yeomanry are only under the Army Act when they are called out, and during their period of training.

145. (To General *Grenfell.*) So far as you know have any difficulties been experienced from the yeomanry being under the Army Act, or has any difficulty presented itself to you?—No, none at all; they are always under the Army Act when they are out, but we have never had any trouble.

146. So that you may say that the volunteer forces are under the Army Act when on anything like actual service?—Yes, when associated with troops they are now under the Act.

147. Then I understand you to say that you think it would be expedient that they should be placed more permanently under the Army Act?—Yes; taking the question of discipline, for instance, if I were to inspect a battalion of volunteers in the Park to-morrow, and a man were to hit me over the head, there would be no penalty except criminal proceedings against him on my part and dismissal from the corps.

Sir *Henry Fletcher.*

148. Would you propose to deal with them as has just been proposed, say on an Easter Monday review, when they are only out for the day. I use the words "Easter Monday," but I mean whenever a large number of volunteer troops are assembled for one day; do you propose to put them under what we have been talking of?—Yes, I think so. If you put half a company of troops with them then, on an Easter Monday review, they come under the Army Act. Directly you remove those troops in the afternoon, three hours before the others, then they are not under the Army Act.

149. On some occasions like that the force is composed entirely of volunteers, and no regulars, and you would approve of their being placed under the Army Act on such occasions?—I think so. We find it work well with the yeomanry.

150. And also in regimental camps?—Yes.

151. Not when a corps is out by itself for a day?—I think, when they are assembled in battalion, it is an advantage that they should be under the Army Act. (Mr. *O'Dowd.*) I should say myself that they should be under the Army Act during the time when they are amenable to imprisonment by the commanding officer, which would be, on almost every occasion, when they were actually on duty or in the ranks.

Mr. *Brown.*

152. (To General *Grenfell.*) Supposing a couple of detachments were to go down and practice with big guns in any forts, would you put them under the Army Act?—Yes, I think so.

153. On such occasions it would be the more necessary because of the danger that would be involved?—Yes.

Sir *Arthur Hayter.*

154. Would not the simplest course be to make the law that they should always be subject to the Army Act when under arms?—I think so; that is really what we mean.

155. At present in camp they are not under the Army Act, are they?—Yes, when with regular troops.

156. But you do not put them always under arms. Supposing a corps of volunteers go down somewhere to shoot, they would not be under the Mutiny Act?—Not now; they would if they were in a force with regular troops associated with them.

157. That would be an anomaly?—That would be an anomaly.

158. Would it not be best to say that at all times when under arms the volunteers should be under the Mutiny Act?—Mr. O'Dowd would know the right term to use. (Mr. *O'Dowd.*) You mean under the Army Act, which answers to the old Mutiny Act; and I think I meant this by my first answers, that during the time that the volunteer is amenable to arrest or custody by the commanding officer, he ought not to be in that half sort of way under military law; he ought to be under military law altogether, in other words under the Army Act, when on duty.

159. (To General *Grenfell.*) But a commanding officer could not put him under arrest during the time that he is shooting?—Yes, he could for that time. If it lasted six hours, say, he might put him under arrest during that time. (Mr. *O'Dowd.*) When he is on duty with his regiment or any portion thereof, is what the Act says.

160. (To General *Grenfell.*) Surely that which I have suggested would not be resented by the volunteers?—I believe it would be welcomed.

Mr. *Warner.*

161. (To Mr. *O'Dowd.*) When in camp they would not be under arms; only in a review?—"Under arms," according to our interpretation, has a much wider signification; it is not necessary that a man should have a rifle in his hand.

Mr. *Stern.*

162. Ordinary drill in a drill hall is being under arms?—Yes.

Colonel *Howard Vincent.*

163. (To General *Grenfell.*) At the present time the volunteers are under the Army Act if they are associated with regular troops?—Yes.

164. And that association may be taken to be

Colonel *Howard Vincent*—continued.

half-a-dozen regular soldiers in a camp?—I think so.

165. And it seems to the military authorities and many volunteer officers absurd that the presence of half-a-dozen orderlies or half-a-dozen soldiers should make the difference as to whether they are under the Army Act or not?—Yes, it seems to me very anomalous, speaking for myself.

166. The discipline of the force has very much improved of late years, has it not?—Very much indeed.

167. And from the inspecting officers' reports the serious breaches of discipline are very few at the present time?—Very few.

168. But the placing of the volunteers under the Army Act when under arms would certainly improve their status as a military body?—Yes, that is what I said.

169. And would it be in that case probable that, putting them under the Army Act might vitiate the agreement between the commanding officer and the volunteer; and in that case would the War Office, in your opinion, be prepared to compensate the commanding officers for any loss they might sustain from clothes issued to a man who did not enter into the new agreement?—I could not say that.

170. Do you think that they ought to?—I should hardly like to say that.

171. But you understand that the commanding officer pays at present for the uniform, in consideration of an agreement to serve a certain number of years?—Yes; but I am informed by commanding officers that they do not think that it would reduce the force. They think it would not materially reduce the force.

172. But the pecuniary loss to a regiment would be considerable if there was an option of cancelling the agreement entered into, which is really a matter of clothing?—It would be certainly if a large number of men suddenly left.

Sir *Edward Hill.*

173. I believe it is necessary now, when volunteers are placed under the Army Act, that certain clauses of that Act should be read out to them on parade?—It ought to be done, but I do not think it is always carried out, because you might get a few regulars marched into a camp and marched out again; and it is that anomalous position which makes it seem so absurd.

174. I know in some cases that has been done?—Yes.

175. And you state your opinion that for them to be more permanently under the Army Act would be beneficial to the service?—I think so, from the information we have from the commanding officers.

176. And you have not heard that any objection has been made by the men who have been placed under the Army Act on these occasions?—We never have had any difficulty.

Mr. *Cubitt.*

177. You said that half-a-dozen red-coats in camp would put the volunteers under the Army Act?—I should like Mr. O'Dowd to answer that question.

Mr. *Cubitt*—continued.

178. (To Mr. *O'Dowd.*) My own men when in camp usually had a sergeant cook and two men from the regulars with them; would that place them under the Army Act?—It is laid down that before the volunteers are placed under the Army Act, the commanding officer must inform them of the fact.

179. It would change the status?—Yes.

180. The commanding officer would be justified, would he, in telling them that that placed them under the Army Act?—I think it is a very difficult thing to define how many men there must be to cause that result, but I think he would not be justified in the case you put.

181. Very often on a field-day, near London, some of the brigade of Guards signal with our men; would that put them under the Army Act?—I do not think it would.

182. (To General *Grenfell.*) In the rifles, 16 men make a company drill, and 80 men make a battalion drill; would this not be a convenient time, and would it not be well, to take those numbers used in the volunteer force, and say when there are more than 16 or 80 men associated together, they should come under the Army Act; when there is a small squad in a drill hall, it seems hardly necessary to put them under the Army Act?—I do not think the number much matters.

Colonel *Murray.*

183. While a volunteer is under arms with other troops, is he not liable to all the penalties which the other troops are liable to for misconduct; I mean the militia and regulars?—For instance for drunkenness.

184. (To Mr. *O'Dowd.*) Anything that the regulars are liable to under the Army Act?—If he comes under the Army Act he is under all the disciplinary provisions of the Army Act.

185. Then is he under the complete control only of the colonel of his regiment for misconduct at that time?—That is provided in the Army Act; when the volunteer is under the Army Act the commanding officer still retains the power of dismissal even when he is on actual military service.

186. (To General *Grenfell.*) Or even he receives the further and more severe punishments which there are under the Army Act?—Yes, it is in the hands of the commanding officer to dismiss him or to demand a greater penalty.

187. Then, if he is under the Army Act, it may still remain in the power of the commanding officer to dismiss him?—Yes, it is specially provided for in the Army Act. (Mr. *O'Dowd.*) In actual military service.

Sir *Albert Rollit.*

188. I should like to ask you what is the legal authority for its being said that a volunteer, if paraded with other branches of the service, is under the Army Act?—It is in Sections 176–78 of the present Army Act; I am speaking of the men now, not the officers. Section 176 defines the different persons subject to the Army Act, officers had been provided for before, and it says: All non-commissioned officers and men belonging to the volunteer forces of the United Kingdom are subject to military law: "(a) When

Sir *Albert Rollit*—continued.

When they are being trained or exercised with any portion of regular forces, or with any portion of the militia when subject to military law; and (b) When they are attached to or otherwise acting as part of or with any regular forces; and (c) When their corps is on actual military service." As regards the first two conditions, the commanding officer must give them a warning that they are, by undertaking that duty, subjecting themselves to the full operation of the Army Act. As regards the third condition, that is not necessary.

189. That law is already an extension of Sections 17 and 23 of the Volunteer Act, is not that so, because those limited the application of the Army Act to military service as defined by Section 17, which is, when the corps is embodied?—Section 17 deals with the last of these three contingencies, actual military service; the other two stand by themselves.

190. But they are an extension of the original Act?—They are more than the Section 17 of the Volunteer Act.

191. Is not being under the Army Act a vast increase of liability?—Yes.

192. Including a trial by court-martial?—Yes.

193. And even the penalty of death?—Yes, in certain events.

194. This is a matter affecting another class, very important too: having regard to the last Army Act, would it give the commanding officer the right to billet these men at three half-pence for breakfast?—There are some special provisions relating to the volunteers, but I am not acquainted with that; but the provisions of the Army Act relating to billeting and impressment of carriages, &c. apply, I should say off-hand, to all persons under the Army Act.

195. So that if you put the volunteers under the Army Act you would create a liability then on the innkeeper to billet them, and you would give a power to the commanding officer to order the innkeeper to billet them?—It would impose it on somebody, I think, not the commanding officer; it would impose considerable additional obligations on the part of those liable to billet soldiers.

196. And in that view there might be a considerable increase of resources for the volunteer service, and of liability upon others?—Yes, in the event of their being called out.

Sir *Henry Fletcher.*

197. With regard to placing the volunteers under the Army Act, as we have been talking about, would you propose that on those occasions when the volunteer regiments do their class firing in plain clothes, they should be brought under the Army Act when not in uniform?—I think that is very much a question of policy which it is somewhat beyond my functions to speak of.

198. (To General *Grenfell.*) May I ask you that question?—Though I think that men in uniform under arms ought to be under the Army Act, I think a small number shooting in plain clothes hardly should be under the Army Act.

Sir *Henry Fletcher*—continued.

199. Do you think that if they were placed under the Army Act it would cause that privilege, if I may call it so, to be abolished, and that the authorities would insist on all class firing being done in uniform, so as to bring them under the Army Act?—No, I do not think so.

Mr. *Brown.*

200. In the artillery volunteers, squads come up to be drilled, some of the men in uniform, and some out of uniform, and you might have men in uniform drilling with men out of uniform?—Yes, that is a very difficult case; I should hardly like to say what the law would be. I think it depends very much on the circumstances; I mean if two or three men take their rifles and go by themselves to musketry, they would hardly be under the Army Act.

Sir *Henry Fletcher.*

201. It would be very undesirable to put on those restrictions, because the option they have now is a great privilege to the men?—Yes.

Mr. *Brown.*

202. (To Mr. *O'Dowd.*) The liability to billeting of a volunteer if he is under the Army Act would only arise at the time that he was under the Army Act, that is during the drill, or, in the case of a large review, during the day?—Yes.

Chairman.

203. (To General *Grenfell.*) Then we may take it from you that you would like to see the officers and volunteers placed under the Army Act all the year round. But do you think that a standing intimation should be made to the volunteers in the terms of the Army Act that, for example, it should be the duty of the commanding officer when he knows that officers or men are about to enter on any service that will render them subject to the military law, to give them notice of it?—That is the law now.

204. But if you place them continuously under the Army Act do you think it would be necessary for him to repeat from time to time a notice and warning that they were under military law?—I think in the case of any fresh men, it should be thoroughly explained to them. We used to read the Articles of War to the men on parade once a month in the old days in the regular service.

205. You probably would think it expedient that they should be from time to time officially in some way reminded of the fact?—I think all men on joining afresh certainly ought to know the obligations which they come under.

Colonel *Murray.*

206. With regard to the command of brigades, is it not the case that the organisation of the volunteers by brigades has taken place since the Act of 1863?—Yes.

207. Then would you place the brigadiers also under the Army Act with the other officers?—Certainly.

208. But it is also the case, I believe, that when troops are brigaded in the field they are under the command of the brigadier only during

Colonel *Murray*—continued.

that time, and at all other times, inspections and all administrative work and discipline, are under the officer commanding the brigade district?—Yes.

209. But that would not interfere with their being under him?—No, I do not think so.

210. I believe some brigades have no brigadier appointed to the field?—Yes, there are some that are vacant, and they are generally commanded by the officer commanding the district.

211. Who also does the duty of discipline and paper work during ordinary times?—Yes.

Colonel *Howard Vincent.*

212. Would it not meet the case if the volunteers were placed under the Army Act when being exercised as a battalion or in camp; would that meet the case, do you think?—I do not know whether you could define it. (Mr. *O'Dowd.*) There would be no difficulty in defining it.

213. (To General *Grenfell.*) I mean to prevent the power being exercised unduly by corporals or by non-commissioned officers?—Yes; I do think it would be advisable to draw the line somewhere to prevent the few men that Sir Henry Fletcher spoke of as going out in plain clothes for class firing from coming under the Army Act.

Sir *Edward Hill.*

214. As regards artillery, when they go into a fort, not being with the regular forces, are they now under the Army Act?—If they are attached to regular troops they are; it is not the fact of going into a fort that places them under the Act.

215. Of course a camp may be formed in the vicinity of a fort, in which fort there may be a Royal Artillery officer in charge of some gunners; if they went into that fort I understand you they would be under the Army Act?—That would be sufficient to have that effect. (Mr. *O'Dowd.*) The words of the Act are pretty plain when they are being trained with regular troops.

216. That would hardly be the case; of course camps may be formed of volunteer artillery and Royal Artillery; but I am assuming the absence of any Royal Artillery with them, but merely the fort being in charge of a Royal Artillery officer with some gunners?—I think it would be a straining of the Act to say that they were under it. I think they must be actually in exercise or association together.

Sir *Albert Rollit.*

217. Training or exercising with a portion of the regular forces are the words of the Act?—Or attached to or otherwise acting as part of or with any regular forces.

Sir *Edward Hill.*

218. (To General *Grenfell.*) Do not you think it would be desirable that in all cases they should be under the Army Act when they were working a fort?—I do not think you could make a different rule for the artillery from that which you would for the infantry. They would not be now under the Army Act unless they were associated with regular troops.

Chairman.

219. Let me carry you now to the question of rules with respect to the management of the property of the corps. Under the present rules, non-commissioned officers and privates have to be consulted before a commanding officer can amend the rules of his corps; they have to be consenting parties to the rules under which they have to serve; is not that so?—Yes.

220. Do you think that any inconvenience attaches to the practice?—I think there is a feeling among a good many commanding officers that it might lead to acts of indiscipline on the part of one or two men, and, personally, I should like to see it altered to an elective arrangement; I mean by getting the men to elect a few of their body to regulate the rules; but I have inquired in four districts, and in three of them they think the rules had better remain as they are now, and the other one is doubtful.

221. "The officers and volunteers belonging to a volunteer corps," I find, according to Section 24, "may, from time to time, make rules," and so on, "and may alter or repeal any such rules; but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the lieutenant of the county to which the corps belongs, and such lieutenant thinks fit to submit the same for Her Majesty's approval," and that approval must be given through the Secretary of State?—Yes, it is to be through "one of Her Majesty's principal Secretaries of State."

222. And by the commanding officer forthwith communicated to the corps; and those provisions having been attended to, the rules become binding on all persons. Now, it must occur to you that, in such a position of things, that such a democratic system, so to speak, is anomalous from a military point of view?—I think so. I think, with regard to commanding officers, it may lead to rather unpleasant acts on the part of one or two men, though, as I say, in the case of the three districts we consulted, they think the rules had better remain as they are at present. I am only speaking personally.

223. But in its practical working there is a great deal to be said in favour of it?—I think so.

224. Will you indicate what there is embodied in the rules that make such a course necessary and desirable?—Well, the rules lay down certain conditions which the volunteer agrees to, and there are penalties that may be recoverable before a magistrate, to which he has already agreed, and if you change those, naturally the man wishes to have his say.

225. It is necessary that the men, for example, should be consenting parties to the financial liability that they incur, and the fines which may be recoverable from them?—I think so, but by delegates.

226. And to the disposal of property?—I think so; either the men or representatives of the

Chairman—continued.

the men; I should prefer representatives of the men.

227. You would think it unfair to alter a rule in the sense of raising the scale of subscription or the amount of a fine without having the consent of all those persons who would be affected by that change?—I think so, unless they chose to elect a certain number out of their body to agree to any change.

228. Are you able to speak from your own knowledge of what the general feeling of the force is regarding that question?—I think the deputation to the Secretary of State of commanding officers put it forward as being rather necessary or advantageous to change it. I have heard few complaints of any indiscipline.

229. Have you taken any steps since that suggestion was made in the way of consulting any districts confidentially?—Yes; I consulted four districts: the Home District, the Western District, the North Eastern District, and the North Western District; and though they all agreed that there was a certain amount of difficulty about it they did not quite see how they could do away with it.

230. In the event of general meetings being abolished, in what way would it bear hardly upon the men?—Well, they would suffer for things that they had not agreed to

231. And they might be able to protest that fines and subscriptions were not recoverable by law?—Since they had not agreed to them.

232. Then, on the whole, you do not favour any serious change in the present rules?—Well, personally, I think it would be an advantage; but apparently my inquiries have shown that there are difficulties which I did not anticipate.

Sir *Henry Fletcher.*

233. With regard to the general meetings, they may be easily carried out in a town where the volunteers are collected together; do not you think that in country districts where the companies are separated, say 10 or 11 in each battalion such as my own, all over Sussex, there would be very great difficulty in getting a really *bonâ fide* general meeting of the corps?—Very great difficulty.

234. And do not you think, if I might place before you the rules of my own regiment (*handing them to the Witness*), that they would be sufficient; they are the rules which are drawn up by the commanding officer and the other members of the finance committee who are officers; those are printed and circulated in every company's headquarters, so that every officer, non-commissioned officer, and man, can see those rules, and be made aware of what he is liable for in regard to his fines?—I think this which you have shown me is amply sufficient; but if you change anything in this, then the men ought (at least, this is the argument that has been given to me) to be allowed to express their views on the change.

235. My system is that, if any change is made, a fresh copy of rules is forwarded to each company?—Yes, and if a man does not agree to them, what then?

Sir *Henry Fletcher*—continued.

236. Then it is personally submitted to myself and the finance committee, and we take it into consideration?—I should think that that is sufficient if all agree.

237. If they do not object to the amended rules we consider that they are consenting parties; do you consider that sufficient?—I consider that quite sufficient. Of course, each man is able to deliver his opinion; he can object.

Chairman.

238. I take it that each man joins the corps under those rules?—Yes.

Sir *Henry Fletcher.*

239. A man is told that the rules are liable to be altered, and notice is given to him if such alteration does take place. But now with regard to discipline or the powers of the commanding officer at a general meeting, do you not think that it might be very unfavourable to the discipline of a regiment if at a general meeting men are allowed to move amendments, and to carry out, or endeavour to carry out, such things against the wish of their commanding officer?—I do myself, certainly; I am personally against general meetings for those reasons.

240. And you think if those are promulgated in country battalions that would obviate all necessity for a meeting?—I think so, provided the men are able to assent to or to dissent from them.

Mr. *Munro Ferguson.*

241. Are general meetings, to your knowledge, very frequently held?—We never hear when they are held and when they are not; I could hardly say; I do not think that in country corps they are held very often.

242. So far as the general business of the corps is conducted by a finance committee, which often includes privates as well as non-commissioned officers and officers, so far as a meeting of that kind is concerned, you would not consider it an anomalous thing that non-commissioned officers and privates should sit with the officers on a finance committee?—No; because I think you might allow the regiment to elect a certain number of non-commissioned officers and men to give their views; but I think the objection is in a large number. Very often you may have one or two men who are cantankerous, and who use that opportunity really for some acts of indiscipline which the commanding officer cannot punish.

243. Then would your view be that the commanding officer should be left untrammelled by the powers of the general meeting or that he should be advised rather by a finance committee or a meeting of delegates?—A small body; yes.

244. You see no objection to a small body composed of privates and non-commissioned officers?—No, I should not; but it is a large meeting with a chance of some act of indiscipline before the whole regiment that is objectionable.

Colonel *Howard Vincent.*

245. Is it not a fact that at present the amounts received from Her Majesty's Govern-

Colonel *Howard Vincent*—continued.

ment in respect of the capitation grant, awarded to the corps in respect of its efficiency or otherwise, are administered by the commanding officer and three members of the regimental committee nominated by him?—Yes.

246. And that the annual meeting only refers to the subscriptions of officers, non-commissioned officers, and enrolled or honorary members, or to amounts received from funded, freehold, or leasehold property of the corps, and all entrance fees and fines?—Yes.

247. And therefore that it does not refer to the capitation grant, but rather to the subscriptions of individual officers and privates?—Yes, and fines.

248. And I take it from you that it is rather in the nature of a club in which all who subscribe have a title to the disbursement?—Yes; that is the difficulty of doing away with a general meeting.

249. But then people always subscribe more readily to objects if they have a controlling voice in the balance sheet?—Yes, certainly.

250. And would it be likely to interfere rather with the willingness to subscribe if the general meetings were abolished as regards the private funds?—It might do so; that is the objection that has been made in the districts.

251. And there is no objection to it as regards the Government funds?—No, I believe not.

252. With reference to a court of advisers, and so on, might that be left to the discretion of the commanding officers?—I think it might.

253. And then with regard to the other questions; there is first the question whether the volunteer should have made known to him any changes in the rules that might take place (about which there can be no doubt); and the other

Colonel *Howard Vincent*—continued.

question is whether or not he ought to have power in framing those rules; and I take it that you are of opinion that it would be undesirable that there should be a general meeting of the corps, if it were possible to get one, which should have the power of altering, and modifying, and carrying amendments against rules proposed by the commanding officer?—Yes, I think it would lead to acts of indiscipline.

Mr. *Munro Ferguson.*

254. I understood you to say that you had no objection to those questions connected with rules being referred to a body representative of the regiment?—No objection at all; but I think when the whole regiment is got together, there may be an act of indiscipline committed, which if committed before the whole regiment is rather serious.

255. You are against it being submitted to the whole regiment; but did I correctly understand you that you thought the best way would be to have a small body as a finance committee representative of the regiment, that the privates might elect a certain number of privates, say six, two per company, to express their views to the commanding officer?—I have not the slightest objection to privates expressing their views, but with a large number you may have acts of indiscipline.

Sir *Albert Rollit.*

256. Your objection is chiefly to the large number?—Yes.

257. And when corps were first formed the War Office Circular spoke of their rarely if ever exceeding 100 men?—Yes.

258. So that the condition of things in those early days was very different?—Yes.

Thursday, 7th June 1894.

MEMBERS PRESENT:

Mr. Cubitt.
Sir Henry Fletcher.
Mr. Gourley.
Sir Arthur Hayter.
Sir Edward Hill.
Colonel Murray.
Sir Albert Rollit.
Mr. Stern.
Mr. Warner.
Mr. Wason.
Mr. Woodall.

MR. WILLIAM WOODALL IN THE CHAIR.

Major General Sir FRANCIS WALLACE GRENFELL, G.C.M.G., K.C.B., and Mr. JAMES CORNELIUS O'DOWD, C.B., re-called; and further Examined.

Chairman.

259. (To General *Grenfell.*) I THINK when we left off last week we had considered pretty fully the general question about the practice of discussing rules in general meetings; have you anything further to say upon that subject?—I think not. I have not really had time to read over my evidence; I have only just got it.

Mr. *Gourley.*

260. I should like to ask with regard to the rules of the various corps, whether they are pretty similar all over the country?—Yes, they are formed on our model rules, and they are all agreed to by the War Office.

261. I see that you were asked a question about brigadiers; suppose a brigadier should make himself objectionable to some of the corps under his command, how is he to be got rid of?—He could be at any time removed.

262. But can such action be taken by the corps themselves, or how can it be done?—That is rather a difficult question.

Chairman.

263. The next question upon which we would like to have your opinion is as to the liability of the property at headquarters, drill hall, and so on, to local rates; is there any exemption at all with reference to any of that property?—The storehouses are now exempt, but not the drill halls.

264. I suppose you hear from time to time that it is thought desirable that they should be exempt?—I should be glad to see the drill halls exempt when they were solely used for military purposes. Sometimes they are let out, I fancy, for other purposes, and then it would be hardly fair on the rates to exempt them.

265. Drill halls are very often convenient places for public meetings and for public entertainments?—Yes; but where held solely for military purposes, I think it would be very fair to exempt them from rates.

Mr. *Gourley.*

266. Nearly all drill halls are let for other public purposes, and drill grounds also are let for purposes which lead to considerable profit. Any local body would object to their being exempt?—Naturally.

Mr. *Wason.*

267. You do not suggest that they should then be exempt?—No; I only suggest that if the drill halls were solely held for military purposes, as I believe some are, it would be fair to exempt them from rates.

Chairman.

268. (To Mr. *O'Dowd.*) Now we will go on to the question of the recovery of fines; will you explain to the Committee what was the condition of things laid down under the Act of 1863; what was the method by which fines and subscriptions in arrear could be recovered?—I may say that I have personally very little acquaintance with the working of the Summary Jurisdiction Act.

269. I was going to ask you, prior to the Summary Jurisdiction Act, what was the condition of things?—There are no particular provisions in the Volunteer Act of 1863 except those which I think the Committee have already gone through.

270. The section reads: "If any person belonging or having belonged to a volunteer corps or administrative regiment neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or regiment, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him with costs, at any time within twelve months after the same becomes due and payable, as a penalty under this Act is recoverable, and, when recovered, shall be applied as part of the general fund of the corps or regiment"?—Since that time the Summary Jusisdiction Act of 1879 has been passed. (General *Grenfell.*) May I say that the complaint in the volunteer service is this: that since the Summary Jurisdiction Act has been somewhat altered, now the onus of proof of ability to pay

Chairman—continued.

is on the commanding officer. That is the question that has been brought forward to us at the War Office. Before that it was recoverable, and apparently without the commanding officer having to prove the solvency of the individual.

271. (To Mr. *O'Dowd.*) Will you explain it to us?—That I understand was the practice. I presume that any fines, such as are specified in the section just read by you, are to be recoverable as any fine would be in the ordinary course of law, in the ordinary course of the administration of a summary court. The Summary Jurisdiction Act, as far as I understand it, has rather made this distinction, I will not say a very great difference, but it has made this distinction; that, whereas in former days a fine was looked upon rather as a penalty for an offence, now, in many cases, including the greater part of the Volunteer Act, it would be regarded simply as a debt, and, in fact, there is a provision in the Summary Jurisdiction Act which enables the magistrates, where they have adjudged a certain sum to be recoverable, to deal very leniently with the person who owes; that is to say, they may allow him to pay by instalments, or they may postpone the payment, or they may mitigate it; it is treated, shortly, as a debt. That is, to my mind, the difference between the old Act and the new state of things; but I have no personal knowledge of the working of the Summary Jurisdiction Act.

272. It is probably within your knowledge that the same condition of things has been found to operate, and a great many people complain about it in regard to the payment of fines inflicted by the magistrates for police offences?—The principle applies to all; I take it that there is no difference between the application of the ordinary law and the law as applied to volunteers.

273. (To General *Grenfell.*) How far have complaints reached you with reference to this?—I have endeavoured to find out the number, and as far as we can make out only three complaints have ever reached the War Office, and that was not considered enough for the Secretary of State to take any action to alter the law in any way.

274. Do you think that commanding officers generally have found any great inconvenience from the present state of the law?—I think a great many of them have not even found it out.

275. Then, in your opinion, there is no call for any legislation in regard to that matter?—As far as I can see, the complaints have been so very few that there is no cause for such legislation.

276. Have you any further suggestion to offer in regard to that; do you think that the mode of recovering a fine should be altered in any way?—I think the mode of recovering a fine might be engrafted on the volunteer regulations, and made clearer as to the onus on the commanding officer.

Sir *Henry Fletcher.*

277. Might not some of these complaints with regard to the recovery of fines only reach the general officer commanding in the district, and not reach the War Office?—Certainly they might.

278. You say you have only had three cases?—We have only had three cases.

279. But still it is probable that others have reached the general, but not the War Office?—Yes, certainly they may have; but as a rule, a general would send up any complaint of that sort to the War Office, because he could not deal with it himself, and nobody but the Secretary of State could deal with such a question.

280. Then you consider that, owing to the Summary Jurisdiction Act having been passed since the Act of 1863, it would be advisable that that should be embodied in the future Act so as to bring it all under one head?—Yes, so as to bring it all under one head. I have found that some commanding officers are not even aware of it.

281. But, on the whole, you think it has worked well, and does not require further alteration?—I think so.

Mr. *Wason.*

282. Do you think it is right that the onus of proving the ability of the volunteer to pay should rest on the commanding officer; that would not be so under the ordinary law?—I hardly know; that is the complaint that we have had, but we have had so very few complaints; that really is a legal question that I could hardly deal with.

283. Have you got before you the section of the Summary Jurisdiction Act to which you refer?—No; that is what I meant, it is not engrafted on our regulations; so that really reading these regulations, you know nothing about the Summary Jurisdiction Act.

284. There is no exception made in the Summary Jurisdiction Act specially with reference to volunteers?—I am told it is the law that the onus is now on the commanding officer, but I could not find it. Deputations to the War Office have complained that the onus is now thrown on the commanding officer. (Mr. *O'Dowd.*) It would be, as a matter of practice, very much within the discretion of the judge. A county court judge can excuse a man if he thinks his means do not allow him to pay. I should think it is hardly a question of law this question of the *onus probandi.*

Sir *Arthur Hayter.*

285. (To General *Grenfell.*) No general complaint about recovery of fines could take place, could it, without its reaching your office?—I think not; one deputation has dealt with it, and I find that there have been three complaints in the last 20 years.

286. A deputation about the theoretical question, not a practical one?—Yes, but they mentioned it as one of the points that they wished altered. I refer to the deputation to Lord Sandhurst.

287. All the change that you desire, I gather, is to insert the provisions of the Summary Jurisdiction Act in these volunteer regulations?—I think it ought to be made clear; I have read the Summary Jurisdiction Act over, and I cannot in the least understand where the law comes in, but it does come in evidently, because there have

Sir *Arthur Hayter*—continued.

have been these complaints since that has been passed that the action of the magistrates has been different. (Mr. *O'Dowd.*) I think it is simply the application of the general law as laid down by the Summary Jurisdiction Act to these particular matters when brought before a justice.

Mr. *Gourley.*

288. (To General *Grenfell.*) Is it a fact that the commanding officers as a rule abstain as far as possible from putting the Act into operation; that they never deal with it actually, but rather pass the thing over?—That I really could hardly say, I do not know; it hardly comes to our cognizance; it is a private matter almost between the man and the commanding officer, and we do not hear about those cases.

Chairman.

289. Perhaps we may pass on now to the question of the remedy for non-delivery of arms and other property on demand, under Section 3 of the Volunteer Act of 1869, under that Act "where any person neglects or refuses, on demand made as hereinafter mentioned, to deliver up any property (whether arms, clothing, appointments, ammunition, or public stores)" then, "any Justice of the Peace may upon reasonable ground being shown" "issue a warrant" for recovery or search; is it sometimes claimed that that process is inconvenient?—I believe that was touched on by a deputation to the Secretary of State; but we have had no other complaints.

290. Do you think that the police should be empowered to search for arms upon the requisition of a commanding officer without a magistrate's warrant?—No, I think the terms of the Act are clear and judicious, and I think the powers of commanding officers are amply provided for in the Act, paragraph 684 in the Volunteer Regulations deals with it.

291. But have you received any complaints upon this subject?—There was a complaint which was mentioned by a deputation of commanding officers, that sometimes it was inconvenient, and they wished that the right of search might be made easier; but I do not think that was pressed, and I have spoken to several commanding officers, and I think there is no strong feeling in the service about it.

292. There would be a strong constitutional objection, would there not, to such power?—I should say very strong.

Sir *Henry Fletcher.*

293. I suppose the question of recovery of arms applies more to corps in large towns than to country corps?—Yes, and I do not think that the law is very often put in motion. Apparently, as far as I can make out, there is very little difficulty in the recovery of arms; and it is always in the power of the commanding officer to order the arms away from the man, and put them in the public store.

294. The rule is, that all arms shall be kept in the approved armoury; but it is within the discretion, is it not, of the commanding officer to allow individuals to keep their rifles and side

Sir *Henry Fletcher*—continued.

arms, if necessary, at their own homes, if they live a long distance away?—Yes, so that they can get their arms quickly for purposes of musketry.

Sir *Arthur Hayter.*

295. The commanding officer can order the arms for inspection, cannot he?—Yes, at any time; and the officer commanding the Regimental District can do the same.

296. But with this general regulation that they all keep their arms in the armoury, and only those are allowed to keep them out who have sufficient permit, can there be any possible difficulty?—I doubt there being any great difficulty; only it was mentioned at the deputation of commanding officers, but I have not heard any complaints.

297. No complaints have reached your office?—No, none at all.

298. You do not advocate any change in this respect?—I think not.

Mr. *Gourley.*

299. All corps, I suppose, have armouries in connection with them?—Yes.

300. And the members of the corps deposit their arms in the armoury?—Yes, it is in the musketry season that some men are allowed to take their arms out and keep them in their houses, so as to be ready.

301. With regard to men appropriating their arms for their own use when allowed to take them home, have any complaints of that come to you?—No, I have never heard complaints of that sort.

302. The commanding officer is practically responsible?—He is responsible entirely.

Chairman.

303. Now, I will ask you something with reference to the acquisition of land for military purposes, under the Military Lands Act of 1892; that Act enables volunteer corps, with the consent of the Secretary of State to purchase land for military purposes only, does it not?—Yes.

304. And will you tell us how far the Act has worked satisfactorily?—That is a question that does not come to my Department: it is always dealt with in the Finance Department, and I think the Assistant Accountant General has got all the details of the working of the Act. Mr. Marzials, I think, deals with that question.

305. You are aware, no doubt, that volunteer corps, generally, make considerable use of the Act; that the disposition to acquire land, to erect buildings, and to borrow money on the security of the land so acquired, is general?—Yes.

306. The Act has worked very usefully?—Yes. But as regards the compulsory purchase, I have never seen a case since I have been at the office; I think there has not been a case.

307. But supposing there was any general consolidation of the Acts under which volunteers are governed, do you think it would be expedient to engraft upon the General Volunteer Act the

Chairman – continued.

provisions of the Military Lands Act so far as they affect volunteers?—I think so; I think it would simplify the matter for volunteers.

308. Under the same Act the volunteers would be enabled to acquire land for ranges as well as for drill purposes?—Yes. There are several applications before the War Office now

Sir *Henry Fletcher.*

309. Is it within your knowledge that great difficulty has been experienced in providing ranges for volunteer corps?—Yes, it is a most difficult question, which eventually must have to be looked to.

310. And it will be still more difficult when the volunteers will be armed with the Lee-Metford?—Yes; but even now we do not authorise a range at the War Office unless there are 2,000 clear yards behind the target. That is required for the Lee-Metford; and eventually the volunteers will be armed with that.

Chairman.

311. You require 1,000 yards in front and 2,000 yards behind?—Yes.

Sir *Henry Fletcher.*

312. Is it laid down by authority that 2,000 yards behind the target is sufficient for the Lee-Metford?—They will not purchase a range of 2,000 yards unless you are firing into a hill.

313. But if they go any distance?—Then it is different, of course.

314. I meant this. When a rifle is held in that way (*describing it*) there is no telling where the bullet would go to. Supposing it is not aimed at the target, 2,000 yards behind would not even then be sufficient for the safety?—No. Of course in the case of a rifle going off by accident it might be dangerous; but we assume, of course, that the men aim low at the target.

315. The same difficulty applies with regard to ranges for the regular forces as well as for the volunteers?—Yes; it is beginning to be a very difficult question.

Mr. *Gourley.*

316. Is it not possible to make some arrangement by which the range used by the regular army might be utilised by the volunteer forces?—That might be done certainly when it is possible; but the ranges are so very constantly used by the regulars and militia that very often it is impossible to use them for the volunteers.

317. Have you any return to the War Office showing the number of ranges in requisition now used by the regular army and the militia?—Yes; that would be in the Inspector General of Fortification's Branch, I think.

318. Do not you think it would be advantageous to the whole service if all the ranges were utilised for the whole of the service; not only the ranges used by the regular forces but the ranges used by the volunteer forces?—I think it would.

319. Have you ever heard of ranges being used by the regular forces, and the volunteers

Mr. *Gourley*—continued.

being prevented from using those ranges when applications have been made for their use?—Personally I have not. It would not come to me; it would rather come to the officers who are connected with the ranges; but I could find out of course and give you that information.

320. Do you think that individual corps should have power to purchase land compulsorily for drill purposes; by that I mean shooting as well?—There is an Act to permit it.

321. Does that Act apply to volunteer corps?—Yes, that is so, with the consent of the Secretary of State, and we have had several applications.

Chairman.

322. A question has arisen, has it not, as to whether it is competent to borrow upon the security of buildings as well as of lands?—Yes; it is a question now pending.

323. Do you think that the Act should be amended, supposing that that were necessary, so as to enable the buildings to be taken, as well as the land, as security for the money to be borrowed?—I think it would be an advantage.

Mr. *Cubitt.*

324. On this question of sanctioning ranges, is it within your knowledge that it is much more difficult to get the permission for the land behind than it is for the ranges themselves?—Yes; we often could arrange it but for that. It is the 2,000 yards behind that cause the great difficulty.

Colonel *Murray.*

325. Could you say whether the volunteer regiments, as a rule, use Morris tubes in practice?—Yes; I know all the metropolitan volunteers do, very much.

326. And that has a good effect in increasing their powers of shooting?—A very good effect, I think.

327. Are facilities given by the War Office for the supply of Morris tubes?—No; the regiments supply them themselves.

328. And their own ranges?—Yes, and their own ranges.

Chairman.

329. From time to time I have no doubt you have heard the expression of a desire that volunteers should be exempted from service on juries?—Yes, I have.

330. Do you think it is desirable that that exemption should be granted?—Personally, dealing with the volunteers, I should be very glad to see any privilege of that sort that would conduce to the benefit of the volunteers, because we are now a large number of officers short in the volunteers; I should be very glad to see an increase.

331. I suppose the important distinction is that volunteers are citizens, having civil duties and civil rights, as distinguished from the regular soldier. Do you not think that the granting of the exemption from serving on juries would rather weaken that distinction?—I think it would be a privilege; and I daresay in many cases it need not be taken advantage of; but there is a strong feeling in the volunteer service

in

Chairman—continued.

in favour of such an exemption. I should be very glad to see that done; but then I know nothing of the actual working of the law; I am only speaking of it as an advantage to the volunteers.

332. I suppose it would only amount to this, in fact, that while a volunteer's name appeared on the jury list he might claim exemption if the service was inconvenient to him?—Exactly so.

333. (To Mr. *O'Dowd.*) Perhaps you will tell the Committee how the matter stands?—I think if you gave an exemption to the volunteers from service on juries you would place them in a more favourable position than you do many other men having a military status. Now in the Juries Act the only military officers who are exempt from service on juries are officers on full pay. Take for instance retired officers on retired pay (which you will understand); these officers are still liable to be recalled to the service up to a certain age; any field officer up to 55 in the case of emergencies, and these officers are not exempt from juries the Court has held. They claim the exemption on the ground that they are liable to be called to service and that the exigency might occur when they were serving on the juries; but I do not think the Courts have allowed that claim as a good ground of exemption. Therefore, I say that if you exempt the volunteers from that service, I think you would also have to consider the position in regard to exemption of other persons having a military status. I do not think you could deal with it by itself.

334. (To General *Grenfell.*) But you think it would be a privilege that would be much appreciated by volunteers?—I think it would.

Sir *Henry Fletcher.*

335. Has any suggestion ever been made to you, or to your department, of dividing with regard to exemption the officers from the men, granting it to the officers only, or has the whole been asked for?—There has been a distinction made in one case where it has been asked for the officers; in the other case for the whole.

336. Would you recommend that the distinction should be made?—I think so; I would hardly go as far as allowing all the men to be exempt. I think the officers give a great deal of their time, a good deal more than the men do; I should only go as far as the officers. I think that was the question Mr. Woodall put to me.

337. Taking the force as at the number of last year, say 224,000, that would of course make a very great change in the process of getting men to serve on juries?—Yes; I think by going for the whole lot you defeat your object. The Lord Chancellor might allow the officers to be exempt; I rather doubt whether he would agree to such a large number being removed from the register as the 220,000. I only answer as regards officers.

338. Then as regards officers it would be to a certain extent, in your opinion, a reward to them for the services they give to the military service, if we granted them exemption from serving on juries?—Yes, I think so. They give a great deal of time and they really give a great deal of money, and I think it is a very small benefit, but they feel anything of that sort that recognises their services, and that is an advantage, I think.

Sir *Henry Fletcher*—continued

339. But as regards the other ranks of the volunteer force, you think at the present time it is not desirable to make any change?—No; I think that if you did you would defeat your object.

Mr. *Wason.*

340. When you spoke of its being a privilege of the volunteers to be exempted from service on juries, you intended your remarks to apply only to officers?—Only to officers.

341. And not to non-commissioned officers?—No, only to officers.

Sir *Arthur Hayter.*

342. (To Mr. *O'Dowd.*) Are the militia officers and yeomanry exempt when out for training?—I think they are under the Army Act when they are out for training, that they are under military law; and I should say a court would hold that they were officers on full pay, and therefore exempt when actually training.

343. They would have to be exempted if the volunteer officers were exempted?—I was just suggesting to the Committee that a decision on the question of exemption from service on juries could not be taken as regards volunteers alone, but that other people having a military status should be taken into account, and their condition of exemption or otherwise should form part of the general question of exemption.

344. (To General *Grenfell.*) Do you know the number of volunteer officers?—I have not got it here. It would be a largish number.

345. However, you propose that officers of all ranks should be exempt from service on juries?—Officers of all ranks.

Mr. *Gourley.*

346. Have there been many applications to the War Office for exemption from services on juries?—No, I do not think it has come so much to the War Office; it has come in the way of a deputation to the Secretary of State, but not personal applications to the War Office; but I know from conversation with commanding officers, that they consider that it would be a great boon to the officers.

347. In the event of this exemption being extended to officers of the volunteers, why not to the rank and file, seeing that in a large number of instances the status of the members of the corps is quite equal to that of the officers?—As I said before, I do not think you would get the legal authorities to agree to that; I think they might agree to the exemption of the officers, and therefore I agree in the advantage of exempting them; but I think, if you were to propose that large number, you would find that the legal authorities would not consider it.

348. You mean by the legal authorities, whom?—The Lord Chancellor I was thinking of. (Mr. *O'Dowd.*) It would come under the general administration of the law.

Mr. *Gourley*—continued.

349. (To General *Grenfell.*) I suppose you are aware of the fact, that a Bill has been before Parliament asking that volunteer officers should be exempt?—Yes.

350. And Parliament has never yet acceded to that?—No, but the Government has not opposed it.

Mr. *Cubitt.*

351. (To Mr. *O'Dowd.*) Is not there a difference between these officers on half-pay to whom you referred just now, and officers of volunteers, from the fact that officers on half-pay are actually at the time performing no military duties whatever, while the volunteer officers are?—That is a matter of fact.

352. And would a volunteer under the present law have to go and serve on a jury if he were in regimental camp at the time?—These questions would rather be settled by the court before whom he was summoned; I can only give you an opinion, but I should say that a judge would probably, *ex abundanti generositate*, say: "You are doing something else, and I will dispense with you;" but I do not think the person could legally claim it.

353. He would have to prove it?—Even if he proved that he was in camp, I do not myself think that would be held to be a claim for exemption.

Chairman.

354. (To General *Grenfell.*) I have gone through the agenda which you were kind enough to prepare for me; I do not know whether there is any other subject outside upon which you would like to say anything to the Committee. There have been, I am aware, a number of points raised upon which volunteers would naturally like to express an opinion to the Committee. I will ask you this question: Do you suppose that the Act could be amended in any way likely to serve in giving greater encouragement to volunteer officers to join. There is at present a dearth of officers, is there not, in some parts of the country?—Yes, I am afraid nearly everywhere.

355. Do you think that is attributable in any way to the legislative conditions under which they have to serve?—No, I do not think so at all.

356. You have no suggestion to offer by way of amendment in the law which would give greater encouragement to officers to serve?—No, I do not think there is anything in the law to change. I think it would be a great advantage if we could find out why the officers do not join now as freely as they did before. I have never been able to discover quite why it is.

357. Have you anything to say to us with regard to the financial responsibilities incurred by officers as being calculated in any way to retard their giving their services?—Do you mean as regards the Act or generally?

358. Generally?—I think there is a general feeling in the volunteer service that if assistance was given to officers on going into camp, where there certainly is a good deal of expense, and we now are pressing them very strongly to go into the brigade camp; if it were possible to assist those officers financially in some way, I think by that means it might be possible to obtain a larger number of officers.

Chairman—continued.

359. But that, of course, could be done under the regulations without any legislative sanction?—Yes.

360. Of course our business is to consider what is the position of volunteers under the Acts of Parliament?—Yes.

361. Are there any other points which you think you would like to speak of to the Committee?—I think not.

Sir *Henry Fletcher.*

362. Do you find that the dearth of officers exists chiefly in volunteer regiments which belong to the metropolis and the large towns, rather than in the country regiments?—No; much more in the country, I think.

Mr. *Wason.*

363. It involves considerable expense does it not, being an officer in the volunteers?—I conclude it does. In certain corps I think expenses can be kept down; in other corps they have three or four uniforms, and that prevents men from becoming officers.

364. Do not you think there are many men who might become very capable officers who are deterred by fear of the expense involved in being volunteer officers?—I am afraid so.

Sir *Henry Fletcher.*

365. Should you consider this too large an expense; I will quote my own regiment: An officer subscribes 1*l.* a year to the general fund, a subaltern's expenses amount to 10*l.* a year, and a captain's expenses to 20*l.* a year including uniform?—Does that include all the expenses of camp?

366. No, other than camp?—No, I should not; but as I said before the Government is now pressing volunteer corps to go into brigade camp, and I do think that there are expenses connected with that camp, a knowledge of which deters the officers from joining. I think yours is a very fair estimate, if you keep it down.

367. I may say that I have no difficulty whatever in getting officers?—Exactly; no doubt the management of the corps has a great deal to do with it.

Sir *Arthur Hayter.*

368. May I ask a question about the jury law; are you aware that under the Army Act, Clause 147, every soldier in Her Majesty's regular forces is exempt from serving on a jury, and in the reserve forces when under military law; that is to say, volunteers in camp are soldiers by the interpretation clause?—Yes.

369. Therefore all volunteers in camp would be exempt from serving on juries?—I should have thought so, but Mr. O'Dowd says no. (Mr. *O'Dowd.*) Volunteers going into camp by themselves do not thereby become subject to military law and the Army Act; they are only placed under the Army Act in the circumstances laid down. In Section 176 of the Army Act, you will find the conditions under which they become

Sir *Arthur Hayter*—continued.

become subject to military law and therefore exempt from juries. (General *Grenfell.*) I thought you were referring to that.

370. (To Mr. *O'Dowd.*) Do not you think that if volunteers go into camp they ought to be exempt from serving on juries while they are in camp?—It is a matter of opinion, and I have no more right to express an opinion than anybody else. (General *Grenfell.*) I think they ought, certainly.

Sir *Henry Fletcher.*

371. (To Mr. O'*Dowd.*) If a suggestion made the other day were adopted, that volunteers in regimental camp should be placed under the Army Act the same as if they were in a brigade camp with regulars, that would then clear up the matter, and they would be exempt?—You would have then, I think, to amend the Juries Act, The Juries Act rather governs the general question. In the schedule to the Juries Act I think the expression is "officers on full pay." I have had occasion to look into the legality of it on certain questions being brought before my notice by the claimants for exemption.

Colonel *Murray.*

372. (To General *Grenfell.*) Do you think that this exemption from jury duty would be an inducement to volunteers to remain longer in the service?—I think it might; it is difficult to say.

373. That would be rather the object of the exemption?—That would be rather the object, to get them to remain and also to get them to join.

374. You could not say the average length of service of volunteers in recent years; you have no return of that kind, perhaps, as compared with former years, so as to show whether it has stood still or increased or decreased; the average length of service, I mean. Is any record kept?—I could not say. I should think now it will increase, because they will remain on to get the volunteer decoration; that was one of the ideas of the decoration.

Mr. *Gourley.*

375. I should like to ask you whether any special steps have been taken by the War Office to ascertain the cause of the dearth of officers to which you have referred?—There has been no inquiry into the subject that I am aware of.

376. Then I will ask you, do you not think that some special steps ought to be taken by the War Office to ascertain the cause?—It is a very difficult matter to undertake. I do not think the War Office could undertake it; perhaps a Parliamentary inquiry might deal with it.

377. Do not you think it ought to be undertaken?—I think a Parliamentary inquiry might elucidate it; I do not think that we could at the War Office; we cannot summon witnesses.

378. Do you think that this Committee ought to enter into the question?—That is a question for the Chairman. This Committee is on the Volunteer Acts.

379. You would recommend that the camp expenses should be allowed to the officers?—I would not go as far as that; I would say that an inquiry might be made as to the camp expenses, and if it were found that the fact of going into camp deterred officers from joining, then I think assistance might be given them.

Mr. *Gourley*—continued.

380. But has it not come to the knowledge of the War Office that a large number of officers do abstain from attending camp in consequence of the expense?—No, I do not think that has come to us; I think, as a rule, they go out to the camp very well.

Mr. *Cubitt.*

381. Has it ever come to your knowledge that the initial expense is one of the chief factors which deter young men from joining the Volunteer Force?—I have been told so.

Colonel *Murray.*

382. Is it the case that some regiments are put to great expense for transport in going into their regimental camps, or the regiments going into brigade camps or divisional camps?—It depends very much on what they take.

383. Taking their messing arrangements, and also carrying the kits of the men?—Yes, I think there is a certain amount of expense attaching to that.

384. And also so as to have their transport complete and to appear and turn out well with a fairly complete transport, ambulance, and other transport also?—Yes, I fancy very often expense is incurred; but we know that sometimes a great deal too much is taken into camp, and expense is thrown on the officers. I refer to large tents, for instance, and expensive arrangements for messing.

385. Could that be reduced by order from the Horse Guards or the War Office, to prevent this great expenditure which must fall upon the regiment eventually?—It is done to a certain extent in brigade camps. In a short time we shall have a regular scale out for volunteer regiments going into brigade camps.

386. And that would reduce this expense?—But it is rather difficult to lay that down for regimental camps; regimental camps are very often rather pleasant picnics.

Mr. *Warner.*

387. I suppose one of the chief items of expense referred to is the uniform?—Yes; I should be very glad to see the uniforms modified. In some volunteer corps a young officer has to get three different sets of uniform; and I think very often it might be greatly modified.

388. Do you think it might be done in any way by regulation?—It might be; but it is very difficult to do it in that way, because on the other hand in some corps the number of officers would fall off if they had not got their mess jackets and their tunics; I think it is better to leave that alone. But it is the commanding officer we ought to look to to lay down such regulations as will prevent great expense.

389. Is there no expense that might be reduced by reducing the expenses of full dress, reducing the amount of silver lace, for instance, required?—I do not think that is a very great expense;

Mr. *Warner*—continued.

expense; it is the number of garments. I think that the patrol jacket by some addition might be made full dress.

Mr. *Cubitt.*

390. In some of these minor corps, such as the mounted infantry and the cyclists, which have lately been started, the only dress which they have is the serge jacket which is used for undress and full dress?—Yes.

391. Would you be in favour of those being all that are necessary in any volunteer corps?—I should hardly like to say that, but I think a great reduction might be made in many corps.

Chairman.

392. But you are not in favour of a sumptuary law in restraint of the liberty of the corps?—I do not think so, because if you were to lay down such a law we are told that the officers in rich corps would object to it strongly, and they would not get officers. I think it must be left to commanding officers.

393. I do not know whether there is anything you care to say with regard to the regulations for volunteers quitting their corps on certain conditions. Is it sometimes complained that volunteer corps suffer serious loss by recruits from them joining the regular army?—Yes, that is a complaint. The complaint is that they lose capitation. A recruit who joins the regular army before he receives his capitation grant is a loss to the corps. The commanding officer may have had the expenses of clothing that recruit.

Colonel *Murray.*

394. It is said in the Act that "Any volunteer may, except when on actual military service, quit his corps on giving to the commanding officer of his corps 14 days' notice in writing of his intention." When that Act was framed there were not such large allowances for equipment, and such large allowances generally given by the War Office; and as more time is required in the training of volunteers now, do you consider that 14 days' notice to quit a corps, which may have been sufficient in 1863, is sufficient now: that a man may give in his name to quit a corps in 14 days, and give up all the training and care which has been expended upon him, as well as the expense?—It seems a short time; but I have never heard any complaint that it has been too short. It has not been complained to me personally that it works badly, and I have not heard of any such complaints. I do not know whether it exists. I think when a man once gives notice, the sooner you get rid of him the better; if a man is going he is no use in the corps.

395. Do many volunteers enlist in the regular army, or in the militia?—Not a very great number; about 1,400 did last year out of a total of 224,000.

Mr. *Warner.*

396. Is it not the case that those very men who join the army, as a rule, come from corps where most money has been spent on the men by the officers?—I really could not say; I do not know the number. Mr. O'Dowd will give it, perhaps. (Mr. *O'Dowd.*) I think, in the Report of the Inspector General of Recruiting this year, he said that the number of volunteers who joined the army straight is about 1,200 or 1,300. Of course, they could not be classed with the militia; the militia would be a very much larger number. I will endeavour to look for it in the report, and give it to you.

397. You could not say what sort of corps they come from?—No; I do not think I could find the materials to answer that question.

Mr. *Cubitt.*

398. (To General *Grenfell.*) Is it not a fact that the commanding officers of volunteers can recover the capitation grant from the regular army?—No, I do not think so.

Sir *Henry Fletcher.*

399. You can recover clothing?—Yes; but not the capitation grant. (Mr. *O'Dowd.*) There is a provision in the Act with regard to a volunteer going to the militia and leaving the volunteer corps in debt; that the Secretary of State may put him on stoppages.

Mr. *Cubitt.*

400. (To General *Grenfell.*) In the case of volunteers going into the regular army, are they able to recover the capitation grant?—No, they are not able to recover the capitation grant, unless they had become efficient before enlistment.

401. But they may recover any debt?—Yes, any debt may be recovered by stoppages on their pay.

Colonel *Murray.*

402. Is it the case that nine drills a year for the volunteers are required for efficiency?—It is all laid down; it depends upon the year; those are not recruit drills.

403. Is that considered sufficient in practice, nine drills a year?—Not for a recruit; for a trained volunteer; we should like, of course, to get a great deal more.

404. He would be more efficient if he could get more drills?—Yes, certainly; as a rule, I think, very few only drill their nine drills; a good many drill four or five times that number.

405. There are only some few, I understand you to say, that drill the nine drills only?—Yes.

406. And those men, probably, hardly get beyond the recruit's position in the drill?—But as recruits they have had to drill a great deal oftener than that. There is a table laid down of the drills; it is only for the trained volunteer that the nine drills are laid down.

407. Do all officers and men attend the annual inspection?—They do unless they get leave; if they do not get leave then they forfeit the capitation grant by not attending.

Mr. *Gourley.*

408. How many men retire annually from the force; you say you have got 224,000 men; how many

Mr. *Gourley*—continued.

many of those retire annually?—I am afraid I could not say that.

409. Is it not the case that one fourth retire annually?—I should think quite.

410. What system do the commanding officers adopt to keep up the number in order to obtain the capitation grant?—I conclude, enlisting more men.

411. Do you not think that some stronger regulations are required for the purpose of retaining the numbers already enrolled instead of losing so many annually?—Yes; it would be a great advantage to retain the same men, but I do not know how you could do it, how you could force men to remain who wish to go.

Sir *Albert Rollit.*

412. Would it be desirable to make any difference as to the organization of garrison artillery and submarine miners in the ports; I mean the commercial ports as distinguished from the military ports, by conversion into militia or otherwise; converting the volunteer garrison artillery and submarine miners into militia in the case of the commercial ports; do you think that would be desirable?—You mean, to change the corps from the volunteers to the militia; that has been done, and, of course, it would be an advantage.

413. That has been done in the case of the Humber?—Yes, in the case of the Humber.

414. And that, I think, is successful?—Yes.

415. Do you find the system of having an army reserve in connection with the militia and volunteers advantageous, transferring the men after one day's service?—That is as regards the submarine miners.

416. Yes?—I believe so, but I have not got the working of it quite; I have not seen any very late report on it. From all I hear it is going on satisfactorily.

Chairman.

417. I will ask you only one other question: the general tenour of the suggestions that have been offered to the Committee may be said to be in the direction of rather assimilating volunteer law to the general military law, is it not?—Yes, I think so.

418. For instance, upon such matters as bringing the volunteers under the Army Act, exemption from service on juries, and so on?—Yes.

419. Do you not think that that is a little dangerous in weakening the distinction between

Chairman—continued.

the volunteer force and the ordinary regular army?—It must be remembered that they are so often under the Army Act now. If we were beginning a new experiment the case might be different, but they are so frequently under the Army Act that I do not think so.

420. I am not speaking now as regards the detail, but putting a wide general question as one of policy to be kept before Parliament, as to whether it is not of great importance that the primary characteristic of the volunteer force should be constantly kept in mind; is there any danger, do you think, in weakening the attachment to this particular service on the ground of its being voluntary, by making alterations in the law?—I hardly think so. Perhaps Mr. O'Dowd might see some objections. (Mr. *O'Dowd.*) No, not on legal grounds. My own idea is that you would alter the character of the force; because you want the volunteer force for one particular contingency, as the land at present stands, that is, apprehended invasion or something like it; and my own idea is that the less you turn them into a militia force, except in contemplation of that contingency, the more the object with which they were created will be fulfilled. That is my idea. (*Chairman.*) That was the particular point that I desired to have your opinion on.

Sir *Albert Rollit.*

421. (To General *Grenfell.*) Do not you think that the general feeling of the members of the volunteer force is rather for closer association with the army than otherwise?—I am sure it is.

Chairman.

422. And a closer assimilation would be beneficial in the main?—I think it would raise the status of the corps in the whole service, and they are now so constantly brought into connection with the army, I do not think there would be any danger to be apprehended. We have had no difficulty in working with the volunteers; on the contrary.

Sir *Albert Rollit.*

423. Speaking of raising the status of the corps, do you think that the grant of a certain number of commissions to the volunteer officers as in the case of the militia would also have that effect?—I think it would.

424. Into the regular service I mean?—Into the regular service; I think it would.

425. As a means of raising the status of volunteers?—Yes, as a means of raising the status.

Monday, 11*th June* 1894.

MEMBERS PRESENT:

Mr. Cubitt.
Mr. Munro Ferguson.
Sir Henry Fletcher.
Mr. Gourley.
Sir Arthur Hayter.
Sir Edward Hill.
Colonel Murray.
Sir Albert Rollit.
Mr. Stern.
Colonel Howard Vincent.
Mr. Warner.
Mr. Wason.
Sir James Whitehead.
Mr. Woodall.

MR. WILLIAM WOODALL, IN THE CHAIR.

Colonel STANLEY G. BIRD, called in; and Examined.

Chairman.

426. YOU are colonel commanding the 1st Middlesex (Victoria and St. Georges) Rifle Volunteers?—Yes.

427. And honorary secretary of the Institute of Commanding Officers of Volunteers?—Yes.

428. Certain suggestions were made at a meeting of the commanding officers held at the Royal United Service Institute in January 1891?—Yes, there were.

429. And those suggestions were further amended by a sub-committee held on the 1st of May 1893?—Yes.

430. And as amended were submitted to the War Office?—They were submitted to the War Office, and a deputation waited upon the Under Secretary of State for War, then Lord Sandhurst.

431. You put in a statement of those suggestions?—Yes. (*The same was handed in.*)

432. Have you something to say with regard to the desire for the appointment of a Royal Commission?—Yes. We had a meeting of the Institute of Commanding Officers of Volunteers on Thursday week last, when we considered what evidence should be offered to the Committee; and I may say that very intense disappointment was expressed then when we were informed that the limits of this inquiry would be very narrow indeed, and that the Committee would not go into the whole of the grievances or those suggestions that we had offered in May 1893 to the War Office. We had hoped that this Committee would have considered the various grievances which we set forth then, and we hoped it would have taken more the form of a Royal Commission, and I was asked to state that.

433. Perhaps it will be convenient for us to go into those matters which are held to be within our province and then you will be able to judge more accurately what questions might be asked that are beyond our powers. Now taking the matters in the order with which you have favoured me with them upon the agenda, what

Chairman—continued.

have you to say with regard to ranges and the powers under the existing Act of Parliament?—At the present time the range question is a very difficult one, and the difficulties are becoming more acute every day. You see, since the Ranges Act was passed in 1891, three private ranges within the neighbourhood of London have been closed, and we find it quite impossible now to get range accommodation for the volunteers of the metropolis unless we go a very long way to get it. And more than that, the volunteer commanding officers think that as these difficulties are increasing every day it should not be left to volunteer officers to find their own range accommodation; it becomes a necessity, and that therefore the War Office ought to supply us with range accommodation. There is no more reason why the volunteers should be obliged to find range accommodation for themselves than there would be in asking the regular army, the line regiments, and the militia regiments to do it.

434. Under the Military Land Acts you are of course enabled to purchase land for purposes of ranges?—Yes; there is permissive power given.

435. And to raise money on the security of such land?—That is true; but when you come to think of the extraordinary expense of acquiring a range under the new regulations (we should have to find a range at least two miles in length by half-a-mile in breadth) the interest on outlay or the rent we should have to pay would be so enormous, that no regiment could possibly stand such an expense.

436. You are aware that apart altogether from the financial difficulty, the War Office itself finds it not easy to acquire suitable ranges?—I know that; I was present when Sir Redvers Buller gave his evidence before the Committee on Ranges two years ago.

437. But I take it from you that you think you are entitled to be aided financially by the

Chairman—continued.

the War Office in some substantial form?—We do.

438. Our business really is only to consider how far the present state of the law impedes you in the acquisition of land. Your point is quite outside that?—Yes, quite.

Mr. *Warner.*

439. Does not the National Rifle Association do something towards assisting volunteers acquiring ranges?—Yes; we hire the butts from them. My regiment shoots at Bisley; that is 30 miles away, and it takes a very long time to go, and it is very expensive.

440. That is all the assistance they give you?—We pay rent for it; there is no assistance given gratuitously by the National Rifle Association at all.

Chairman.

441. Do you get any assistance towards the travelling expenses of volunteers going down to Bisley?—Yes, we do.

442. How frequently are you enabled to claim assistance in the shape of travelling expenses?—Only once a year.

Mr. *Wason.*

443. Is that when the Association meets?—No; for the regimental class firing we get it.

Mr. *Gourley.*

444. Does your Association represent the whole of the United Kingdom?—With very few exceptions.

445. The North of England, Northumberland, and other counties?—Yes; I can put in a list of all the different brigades if you wish.

446. Have you ever known instances in which the War Office have assisted in any shape or form individual corps with regard to ranges?—I am not aware of that.

447. The volunteers have to bear the whole of the expense themselves?—Yes.

448. And are the volunteer ranges used in any way by the men connected with the regular army or the militia?—Yes, in many cases they are, in the country.

449. And is any charge made by the corps?—No, I do not think they do make any charge. I do not think the militia or the line pay anything for the use of the ranges. The only instance that has come under my own knowledge is at Wormwood Scrubbs, and there the Government when they rebuilt the butts at Wormwood Scrubbs allowed all those regiments which had previously been shooting there, and which had their own private butts, which had rights over the common, so many days a week only to shoot. They took entire possession of everything we had, and all our rights, and then they graciously allowed us to come and have a few hours per day when they were not wanted by the line or the militia.

450. Without any compensation?—Without any compensation at all.

451. Do you think that the Government ought to pay the whole of the expenses connected with the ranges?—I think so now.

Sir *Albert Rollit.*

452. There are some miniature ranges in London, are there not?—The Morris tube ranges, you mean?

453. Yes?—Yes, there are some.

454. Are they practically of service?—Yes, for teaching the men to shoot but not for class firing.

455. But are there not cartridges which have been made to carry only a certain distance?—There are.

456. Have they been found of service?—I cannot say.

457. Cartridges adapted for the service barrel?—Yes.

458. You do not know whether they have been found useful?—I do not know of my own knowledge.

459. Have they been used in London?—Yes, I believe at Colonel Haddon's head-quarters at Kennington.

460. Is there one in Islington?—I do not know; but many of us have the Morris tube galleries; I have one at my head-quarters where men fire with Morris tubes.

461. Well you do not know much about the practice with cartridges loaded to carry a short distance and yet adapted to the service barrel?—I do not.

Sir *Henry Fletcher.*

462. With regard to the Wormwood Scrubbs ranges that you mentioned just now, what is the distance available; is it only 300 yards, or more?—Three hundred yards now.

463. With regard to the question put to you by the honourable Member about the travelling allowance from Government for musketry purposes, can you state what the sum allowed is?—Four shillings per man I think it is.

464. And that is only if the range is beyond a certain distance from the head-quarters?—Yes.

465. Six miles, I think?—Yes.

466. Are you aware that the Bisley ranges are used much more extensively this year for class-firing than they were last year?—Yes, they are.

467. Do you know that the number is double what it was?—Yes, I believe so. My regiment shoots there this year, and it did not before; and I know many others in the same case.

468. And you think that the great disadvantage to the Metropolitan corps in going to Bisley is on account of the distance from London; and are there any other reasons besides the distance?—No; the time that it takes for the men to go is the objection.

469. That is owing perhaps to the railway companies?—In a great measure.

470. Not to anything when you get there?—No; the Bisley ranges are splendid ranges.

Sir *Edward Hill.*

471. I should like to know whether in your opinion it is possible for a rifleman to learn properly to use his rifle on a Morris tube range?—No.

472. There is no kick with the Morris tube rifle?—No, that is what I was going to mention.

473. Therefore you do not think it possible to teach a man efficiently on the Morris tube range?—No;

Sir *Edward Hill*—continued.

—No; it is a great advantage for shooting, but for class-firing it is not of any practical use.

Mr. *Cubitt.*

474. About the travelling allowance; with regard to Bisley, the 4*s.* allowance is given per man per year, as I understand?—Yes.

475. And is it given to a man who makes himself efficient or to any man who has been there to fire?—Only to the men who make themselves efficient; to efficient volunteers.

476. To the man who earns the 10*s.* grant as well as the man who earns the 50*s.* grant?—I cannot say; I have only had one man of that sort lately.

477. And sometimes, of course, a man has to go more than once to Bisley?—Yes, frequently.

478. But he gets nothing more than the 4*s.*?—No.

Colonel *Murray.*

479. Do you think it would be possible for a volunteer to become an efficient shot, not altogether by using the Morris tube, but by shooting on a short range with a very much smaller target than is in use at present?—No, I do not.

480. Five hundred yards range, say, with a very small target?—No, I do not.

481. With an occasional class firing at a long-distance target?—No, I do not think so. I think that a very great element of shooting is the question of the kick of the rifle, and when once a man gets over that, then you can expect him to be a good shot; but if you give him reduced cartridges to fire with or take him to a Morris tube gallery, he is only firing with a very small cartridge indeed, which gives no kick.

482. But could he not shoot with a service cartridge at a shorter range, apart from the danger of the splash, which would be obviated; have you considered that?—I have not considered it at all; I have no experience.

Chairman.

483. Although I do not find it on your agenda, I find, among the suggestions made by the deputation which was received by Lord Sandhurst, one which is, with regard to the words in Section 17 of the Volunteer Act, 1863, which at present enable Her Majesty, in case of "actual or apprehended invasion of any part of the United Kingdom," to call out the volunteer corps; do you think that those words are not sufficient for practical purposes?—No; we do not think they are.

484. What suggestion would you offer in the way of a more suitable phrase?—We would recommend the substitution of the words "imminent national danger" for "actual or apprehended invasion."

485. Do not you think that even that might be too severe a term?—We do not think so. There was a very large meeting; there were about 130 officers present who threshed it out.

486. When giving evidence the other day on this subject, in answer to Question 84, Mr. O'Dowd said: "I should put in the event of emergency;" and he went on to say that "great emergency" was tautology, and that by

Chairman—continued.

emergency he meant "something beyond the common when your ordinary resources are not sufficient to cope with it"?—We do not think those words would be necessary, and we do not think they would be advisable, for this reason: Some years ago you remember the reserves were called out; they were called out in the case of "emergency." Now that might happen in the case of the reserves, but there might not be any necessity for the volunteers to be called out at that time.

487. You do not think it desirable to give so large a power to the Crown; you think that it might be left to the discretion of the Minister of the day to call out the volunteers at any time, when he thought their services would be valuable to the State or to the Empire?—I should not hesitate, personally, to leave the Minister that discretion, because, I think, that inasmuch as he would have to pay 2*l.* per head for every man he called out, that would be the very best reason why he should not call them out; therefore, I should not hesitate to let him have the power.

488. But do you think it would be generally agreeable to the volunteers throughout the country, so far as you are able to form an opinion, that they should be liable to be called out for actual service more readily than the present law would allow?—Yes, I do.

Mr. *Warner.*

489. Would it cover your objection to the word "emergency" if there was also a condition that the volunteers should not be called out until an order for embodying the militia, and calling out the reserves had already been given; would that cover the objection?—Yes, I think it would.

Sir *Albert Rollit.*

490. Do not you think that the word "national' would be too restrictive; if there were any danger, for instance, in Canada, or elsewhere, and it were necessary to supply the place of troops sent out, would not the word "national" restrict it too much in case of imperial danger?—I do not think so; it would be national then I should think.

491. It would be imperial rather than national, would it not; it might be that the word national would be construed as meaning emergency in this country; do you concur in the suggestion of Sir Francis Grenfell that it should be a case of emergency only, after what you have heard?—No, I should stick to the wording that we have suggested. We threshed it out, went into it very thoroughly, and we came to the conclusion that "imminent national danger" would cover everything, and that it would be a better term than any other. We considered "emergency."

492. Did you discuss the question of using only the word emergency?—We did at the time.

Sir *Arthur Hayter.*

493. Do not you think that using the word emergency might alarm the employers of volunteers?—I think it would.

494. And

Sir *Arthur Hayter*—continued.

494. And therefore it is best to confine it to the most flexible words, that are not likely to alarm the employers of volunteers?—We thought so. That is one of the considerations that we had when we talked it over.

Chairman.

495. You prefer the words "imminent national danger"?—We do.

496. But you would not object to the words "imminent emergency," though you prefer your own?—I should not object to that, but I prefer our own word.

Sir *Arthur Hayter.*

497. You distinctly would object to the volunteers being called out on every occasion when the reserves were called out?—We should distinctly.

498. Because it would alarm the employers very much?—It does now in the case of reservists.

Mr. *Gourley.*

499. You have not taken any steps, have you, for the purpose of ascertaining the feeling of the corps throughout the country with regard to an alteration in the existing law?—Yes, that was one of the objects of the meeting. The first meeting in 1891 was attended by about 130 members; at the meeting that was held last Thursday week, when they confirmed these suggestions, there was about 40 present, and they were from all parts of the country.

500. You think they are in favour of an alteration with a view of giving the War Office more power over the volunteers?—I do not want to be misunderstood about that; I am not sure that we are anxious for it, but we should not object to it. I may say that we rather objected to this one matter being picked out from among all the suggestions we made, because we consider we have a great many grievances, and we thought that possibly the War Office or the Government would go into the whole question, and not pick out the one which just suited them (which would be this), and which would give them more power over us, and that we should get nothing in return.

501. Do not you consider the existing Act, Clause 17, a grievance as between the Government and the volunteers generally; is it not your opinion that if the Government have more power over the volunteers in the event of imminent danger that would improve the existing status of the volunteer corps?—Yes, I think it would. I do not think that would have much effect on it, because I do not think that half the men who belong to the volunteers really know now whether they are under the Army Act or not; and I do not think it would make the slightest difference.

502. Would you recommend placing the volunteers under similar regulations to those of the militia and the regular army?—If you mean the Army Act, certainly.

Colonel *Howard Vincent.*

503. You told us just now that your institute represents most regiments of the country through their commanding officers?—Yes.

Colonel *Howard Vincent*—continued.

504. You are of opinion that the commanding officers are well able to speak for the force as a whole?—We think so.

505. And that if the commanding officers give an opinion in favour of the suggested change in Clause 17 from "actual or apprehended invasion" to "imminent national danger" that would be the feeling of the Service as a whole?—We think so.

506. Do you think that it would lead to any material diminution in the members of the force if those words were altered?—It may lead to a small diminution, but I do not think it would be material.

507. Do you not think that those men who remained would be more useful to the country?—Yes.

508. And that those who leave would rather be a good riddance than otherwise?—Possibly.

509. Then do not you think that if the volunteers assented to this it would put them in a better position to receive more recognition at the hands of the authorities hereafter?—Yes.

510. In regard to the other matters which your institute has suggested, a considerable number of them, at all events, could be dealt with by the executive authority without any change in the law?—Yes. I think that the Committee will have to define when a volunteer comes under the Army Act.

511. At present the Army Act is only in force if there are regular soldiers with the volunteers?—Exactly.

512. And that is taken to apply to just a few orderlies, or a cook, or anything of that sort. With regard to your observations on other points you are aware that the purpose of this Select Committee is rather to bring about a change in the law than to interfere with the executive arrangements?—Yes.

Sir *Edward Hill.*

513. Do not you think that the volunteers would be only too anxious to offer their services in the case of an emergency?—I think they would.

Mr. *Cubitt.*

514. But anxious or not, I think there is no power in the present law to call them out?—No, none.

Chairman.

515. It was further agreed that Section 17 should be amended not only in the sense which you have already indicated, but in the sense of giving the Government the power of accepting the services of volunteer corps when offered on other occasions than of that kind?—Yes.

516. It is your opinion that the Act should be further amended in that sense?—Certainly.

Mr. *Warner.*

517. Also that they should be enabled to accept the services of "a part" of the corps?—Yes. I think Colonel Pearson later on is going to speak about that, or else I would have mentioned it.

Chairman.

518. Now we shall be very glad to hear what you have to say with regard to the application of the Army Act to volunteers to a larger extent than is now the law; you are familiar with the occasions upon which volunteers are now liable to be placed under the Army Act; do you think that it is desirable to extend the occasions—to increase the number of occasions—on which volunteers should be subject to the Army Act?—I think it is; but it is a very difficult question to settle. I think it would be very desirable to define when a volunteer should come under the Army Act. I heard the evidence given by Sir Francis Grenfell the other day, and I could see the difficulties there were then, because in my own case every Thursday evening we have an adjutant's parade, and we have from 100 to 150 men parade there in plain clothes; would those men come under the Army Act then?

519. Do you think it is desirable that men parading in plain clothes should be regarded as being under arms?—No, I do not.

520. Then would you go a step further and say that you think it would be advantageous that they should be so regarded?—I think that whenever they are in camp and whenever they are called out with other troops, in connection with the regular troops, I mean, they should be under the Army Act.

521. But is it not now the practice to regard volunteers as being under the Army Act when they are being associated with regular troops?—It is so, and I see very great difficulty in extending it.

522. Would you make any distinction between commanding officers and other officers and the private volunteers?—Yes; I think that if you were to bring the commanding officers under the Army Act——

523. Or any officers?—Or any officers generally; if you were to bring the officers under the Army Act it would be very desirable indeed; and that they should always be under the Army Act would be much more desirable than bringing the men. I think it would improve the status of the officers and get over the difficulty with regard to exemption from juries too.

524. Do you mean your answer to apply not only to the commanding officer, but to all the officers?—Yes.

525. And would you have them under the Army Act under all circumstances?—Under all circumstances.

526. When plying their civil vocations?—Yes.

527. As well as when in uniform?—I would.

528. But you would be content that volunteers should be only subject to the Army Act when they are out on some service in which they are associated with the regular troops?—I think that is as much as we want.

Sir *Henry Fletcher.*

529. I asked this question of Sir Francis Grenfell at No. 148: "Would you propose to deal with them" (that is the volunteers) "say on an Easter Monday review, when they are only out for the day"? I ask you that whether you would advise their being placed under the Army Act on an occasion such as that when there are a large body of volunteers assembled?—Yes; I think I would, certainly.

Sir *Henry Fletcher*—continued.

Chairman.

530. Even though they might not be associated with regular soldiers?—Yes.

Sir *Henry Fletcher.*

531. Would you advise their being placed under the Army Act in regimental camps?—I would not, because I think that the power that a commanding officer has now is more easily applied than the Army Act would be. Under the Army Act you would have to try a man positively by court martial; whereas if he is brought before his colonel he is dealt with at the moment when the moral influence of the punishment is very much greater than it would be if he were kept a week before he were tried.

532. Would you, in the case of class firing, put the men under the Army Act?—Well, there are great difficulties about that, because most of the class firing is done when the men are in plain clothes. In my own regiment I do not suppose half-a-dozen men in uniform do class firing.

533. And you think it is better to leave matters as they are with reference to that?—I think so.

534. Because they consider it to be a privilege to be allowed to do their class firing in plain clothes; and if they were put under the Army Act the authorities would probably insist on its being done in uniform?—Quite so.

Mr. *Warner.*

535. With reference to putting the officers under the Army Act, you would suggest that it would exempt them from serving on juries; I believe that is not the case?—Is it not? I had hoped it would.

536. Was that your reason for wishing them to be put under the Army Act?—No.

537. You have other reasons?—Yes.

538. Strong reasons?—Yes.

539. And the reason for not wishing the volunteers to be under the Army Act when they go to the ranges is the same, I suppose, as you give with reference to regimental camps, that the commanding officer now has greater powers, or more convenient powers?—More summary powers.

540. More summary powers than he would have under the Army Act?—Exactly.

541. But even under the Army Act they would always be brought before the officer commanding?—Yes.

Sir *Albert Rollit.*

542. You would allow them to be regarded as in actual military service on occasions when they were not brigaded with regulars?—Yes.

543. And then to be under the Army Act?—Yes.

544. Would the consent of the individual volunteers be necessary in your opinion to this change?—Yes, certainly, because we have at the present time (at least I speak for myself) contracts

Sir *Albert Rollit*—continued.

tracts with the men for service beyond the engagement under enlistment.

545. But you are of opinion that individual consent would be necessary on the part of all volunteers?—Not in all regiments, because I have seen some rules where they have very large powers, indeed, for increasing the responsibility or liability of the men; but in many cases, I think, you would be obliged to re-enlist the men and enter into a new agreement with them.

546. Do you think the volunteers would make any objection when they realised the extreme penalties in the Army Act, such as trial by court-martial?—I do not think many would.

547. You think some would?—I think some would; and I think that is a matter that we might ask the Committee to take into consideration, who is to pay for those men who will leave; because you see the commanding officer will have incurred a very great expense in clothing and equipping those men, and if you put further conditions upon them they might, probably, say that they would not rejoin; therefore, he would be at a loss.

548. Would you make liability to the Army Act dependent upon the men being in uniform; would you make it a condition of being under the Army Act that it should only be when men were in uniform?—Yes.

549. On no other occasion?—You cannot put men under the Army Act in plain clothes.

550. If not in uniform you would not put them under the Army Act?—No.

551. And do I understand you to say generally that if some of these points are conceded by the Government, such as imminent national danger and so on, you think it should be done on condition of a redress of grievances in other ways; is that your view?—We had hoped that they would.

552. Is that the feeling of commanding officers?—Yes, that is quite the feeling of the commanding officers.

Mr. *Wason.*

553. There is a great deal of difficulty, is there not, in getting officers of the volunteer corps at the present time?—Great difficulty.

554. Do not you think there would be greater difficulty still if your suggestion were carried out, of putting all officers under the Army Act?—I do not think so.

555. You think there would be no further difficulty?—No.

Sir *Arthur Hayter.*

556. Would you explain to the Committee what are the advantages which you hold that there are in placing volunteers under the Army Act?—Advantages to the service or to the men, do you mean?

557. I want to know why you advocate it?—I said that we are not very anxious to go under the Army Act; we do not object, but we are not very anxious for it, because we think that the summary powers which we have as commanding officers are quite sufficient, except when they are in camp or brigaded with regular troops.

558. But as representing commanding officers you do not advocate any extension of the plan?—I do not advocate it, but I do not see any great objection.

Sir *Arthur Hayter*—continued.

559. You are aware that by Section 178 when they are placed under the Army Act it does not alter their other conditions of service?—I was not aware of that.

560. The end of that section is: "Provided that nothing in this section [placing them under the Army Act] shall affect the conditions of service of any officer, non-commissioned officer, or man, belonging to the auxiliary forces"?—I was not aware of that.

561. It is only while they are under arms?—Yes, only then.

562. Then serious changes would be required in the Act, you are aware, if you altered the condition of the officers from that of the men. All these sections deal with the auxiliary forces as a whole?—Yes, as a whole. I suppose it would be as you say, that serious changes would be required.

563. Do you think that if it were done at all it would be sufficient to limit it to when they appeared as a regiment, so as to exclude all questions of class firing and smaller bodies?—I think there would be difficulties then, because you see you may call it the parade of the regiment, and it may be only attended by a very few men, probably not a fourth, or even a third.

564. Then, on the whole, you do not advocate the extension of it; you do not desire it?—No, I do not desire it. We do not object.

Mr. *Gourley.*

565. Do not you think that the men would object to being placed under the liabilities of the Army Act unless they are in camp?—I do not think so.

566. What steps have you taken to ascertain the feelings of the men beyond your meeting?—We have not taken any.

567. You cannot speak positively as to the feelings of the men?—No, but I do not think that would affect it, because I do not think one half of the men know whether they are under the Army Act or not.

568. Do not the officers know?—Not even many of the officers.

Colonel *Howard Vincent.*

569. Is it not rather an anomaly at the present time that the attachment of a few regular soldiers to a battalion of volunteers under arms makes a difference to them as to their being under the Army Act or not?—Yes.

570. But the feeling, as a whole, of the Commanding Officers' Institute is that it is just as well to let well alone?—Quite. We did not discuss fully the question of going under the Army Act; there was no objection made to it, but it was not advocated.

571. But, on the whole, the feeling is that it is just as well to let well alone?—I think so.

572. That the commanding officer having an absolute power without an appeal to the general or to the War Office has great moral power?—Yes.

573. And that is a great advantage?—A great advantage.

Colonel *Howard Vincent*—continued.

574. And you know no disadvantage in that power, but quite the other way?—I have never experienced any disadvantage.

575. Why do you recommend that officers should be placed under the Army Act rather than the men; what would be the advantage?—Because it would give them a better status.

576. But it would also give them the inferior status, that they would not be able to leave the district without the consent of the general; that would be a great inconvenience?—It would never be refused.

577. Would not the mere formula of asking for the permission be a serious inconvenience, and entail great delay and waste of time?—It might, but I do not think it would be very material.

578. Do you know any reason whatever why commanding officers should be placed in a different position from the other officers?—No.

579. And therefore you would probably be averse to the commanding officers being brought under the Army Act for some obscure reason unless all officers were brought under it?—Distinctly.

Sir *Edward Hill.*

580. But is it not the fact that when the volunteers are under the Army Act at present the power of dismissal still remains with the commanding officers?—I believe not; I should think that the Army Act overrides any summary powers.

581. Is not the power of dismissal conferred upon commanding officers by Act of Parliament?—I am not quite sure.

582. If it were it would remain?—It should remain.

583. I see in General Grenfell's reply to the question by Colonel Murray at No. 187, he says, "it is specially provided for in the Army Act;" in Section 21, Sub-section 1, of the Volunteer Act 1863, it is defined?—I was not sure.

584. You said that if the volunteers were placed under the Army Act, in your opinion it would be necessary to re-enlist them all; but would it not be sufficient if it were explained to them, and they had proper notice (printed if you like) that they had come under the Army Act?—I think that would be sufficient.

585. Without swearing them all in again?—I should think so.

586. Do not you think that placing the volunteers when under arms under the Army Act would tend to raise their status and confirm them as being an integral portion of Her Majesty's Army?—I think it would have that effect.

587. And do you think that that would assist to induce gentlemen to accept commissions in the volunteer force?—I think it would help very materially.

Mr. *Cubitt.*

588. You stated that your institute would have no objection to volunteers being placed under the Army Act?—Yes.

Mr. *Cubitt*—continued.

589. And therefore, if it came to your knowledge that it was much more desired in country corps, where the moral cohesion is less, than it is in London corps, you think that your institute would not object?—I do not think so.

590. As far as I could gather, your own opinion is that if a battalion was out by itself it is not necessary?—I do not think so.

591. But if there were more than one battalion, whether the other battalions were volunteers or regulars, then you would desire some more powers of discipline than there are at present?—No, I do not think I should. I think I should leave each commanding officer to deal with his own men.

592. Then what in your opinion is the position of the brigadier with reference to the discipline of the men on those occasions, supposing a brigadier is exercising two battalions together?—He would be in supreme command. I could not say in that case.

593. Suppose, as Sir Francis Grenfell said to us the other day, he is out inspecting a volunteer battalion and a man hit him over the head, he has no right to do anything to that man beyond bringing him into the charge of the Criminal Court?—That is not under the Army Act, then.

594. No; suppose he is inspecting a battalion of volunteers in Hyde Park and a man hit him over the head, Sir Francis Grenfell said in evidence that he had no power over that man beyond giving him in charge for a criminal assault against him?—I do not suppose he would.

Colonel *Murray.*

595. On that point of the commanding officer dealing with his own men when they are not under the Army Act, not brigaded with other troops, do you find that the very minor punishment of being confined to camp during a certain time (I believe that is the punishment short of dismissal), coupled with the severer punishment of dismissal from the corps is a sufficient preventive to military crime or misconduct?—I have always found that so.

596. When in regiments you have found that sufficient?—Yes.

597. You do not consider that it would be advisable that the commanding officer should have intermediate powers between that (which appears very slight), of being confined to camp a certain time and the severe one of dismissal; that he should have more intermediate powers of punishment such as are given to commanding officers of the regulars; defaulters' drill, and such punishments, extra pickets for misconduct on pickets?—In my experience I have always found that I had sufficient power to deal with them without any change.

Mr. *Gourley.*

598. The question of brigadiers was mooted just now; what is the feeling of commanding officers with regard to the utility of brigadiers; do you think they are of any use?—If I may give evidence on that point?—I may say, that there is a very great deal of dissatisfaction about the

Mr. *Gourley*—continued.

the dual control that is going on now and the present system that obtains. It is an anomaly, and a very unpleasant one. I do not know whether the Committee wish to go into that, but there is a very strong feeling about it.

Chairman.

599. That is outside the scope of our inquiry?—I should have liked to give evidence on that point.

Colonel *Murray.*

600. Have you ever known the Army Act brought into operation in the case of volunteers when associated with regulars or the militia?—Never in my experience.

601. Have you ever known any cases of misconduct or insubordination which in the case of a soldier would have been punished by imprisonment by the commanding officer or by a trial by court-martial?—No, I have only dismissed one man in my experience of 35 years.

602. And any case of that kind, which would have been tried by court-martial in the case of a regular soldier, would be met by dismissal on your part?—Exactly.

Chairman.

603. Would you prefer to dismiss a man rather than to apply to him the military regulations?—Yes; summary punishment is very much better; it has a greater moral effect on the men. You punish a man at the time and everyone sees and knows it, and you punish him before those men who witnessed the disgraceful or insubordinate act.

Sir *Edward Hill.*

604. Supposing there were such a thing, as we hope is not possible, that some misconduct should take place when the volunteers were with the regulars, in which regulars and volunteers were equally associated, would it not be anomalous that a different punishment should be meted out to the one from that meted out to the other?—Then we should be under the Army Act, should we not? It would be an anomaly then.

Mr. *Warner.*

605. You said that summary punishment is very much better; but surely being under the Army Act would not prevent a summary punishment in any way?—No, I do not know that it would.

606. A commanding officer is never obliged to send a man to court-martial?—He would be, if under the Army Act, I should say.

607. He would if he wanted to inflict a severe penalty; otherwise, he is not obliged to under the Army Act?—I am not quite sure on that point.

Chairman.

608. I rather understand you to say that it is so undesirable to have an insubordinate or ill-conducted man in the volunteers that you would desire to get rid of him summarily?—Yes.

609. Rather than to inflict temporary punishment?—Yes.

610. You would like to say something with

Chairman—continued.

reference to the rules for general meetings?—Yes.

611. We have had a great deal of evidence on that point, that a corps of volunteers is constituted as a sort of co-operative association, in which everyone has a right to have his voice as to the rules under which he is to serve and the administration of the property and so on of the corps?—Exactly.

612. Do you think that there is any objection to that practice?—There is very great inconvenience in allowing these general meetings, because at a general meeting the commanding officer and the men, even the last joined recruit, are on the same platform, and it lays the commanding officer open to be questioned sometimes very unpleasantly.

613. Do you think that that is calculated to weaken the general discipline of the corps?—Yes, I think it weakens the influence of the commanding officer.

614. And what suggestion would you offer for the amendment of that. For instance, the Committee has been favoured by Sir Henry Fletcher with a copy of the rules of the second volunteer battalion of the Royal Sussex Regiment, and we have also had, I think, from another honourable member a copy put in of the agreement in use for the Queen's Westminster. I will leave Sir Henry Fletcher to cross-examine upon that?—This agreement to which you have referred is pretty much in the same form that we all have; but the rules I should say are model rules, they are so short.

615. The model rules furnished by the War Office, do you mean?—I take it that they are on the same lines as those furnished by the War Office. They are model rules, I mean, because they are so short. The rules of my own regiment are very much longer.

Sir *Henry Fletcher.*

616. Do you think that those rules, if they are circulated to every company in the regiment, and posted in the armoury, so that every volunteer can have the opportunity of seeing them, are quite sufficient, instead of having general meetings to discuss matters?—Yes, I think that would meet it.

617. And if those rules are amended, in case any alteration is made in connection with the administration of the battalion, and the individual volunteer has the opportunity of seeing those amended rules, he cannot have any cause to complain?—I think not.

618. Do you think that general meetings are liable to destroy the discipline of a regiment?—Very much so.

619. You have no objection to general meetings, I imagine, for certain purposes in connection with such matters as entertainments, for instance?—No, certainly not.

620. But you do not advise general meetings for the administration of the Capitation Grant, and matters such as that?—No.

621. How is the finance committee appointed in most regiments?—The commanding officer nominates them, generally.

622. It is not done at a general meeting?—No, not at a general meeting.

623. Is

Chairman.

623. Is it not subject to the approval of a general meeting?—No.

Sir *Henry Fletcher.*

624. Every regiment is obliged to have a finance committee, according to the War Office Regulations?—Yes.

625. And does the commanding officer select who shall serve on that committee?—Yes, generally.

626. And it is not left to the voice of a general meeting?—No.

627. Is it subject to their approval?—No.

628. Taking that instance given in the paper I have handed in, the finance committee is mentioned there so that every man can know who compose that finance committee, and he could object if he wished to?—I do not think it is usual to call an annual meeting of the regiment. I see in the paper you handed in it says that the annual meeting is to be held in June. I think in most regiments they never call a general meeting unless it is with a view of altering the rules, or something of that sort.

629. The word "June" is mentioned there because that is the month they always go into camp?—Yes.

630. I think, according to the regulations, an annual meeting is necessary?—Yes, I have heard so. It is very rarely held, I am happy to say.

Chairman.

631. I would like to call your attention to Rule No. 380. I will read you the passage: "General meetings of volunteer corps will not be held for the special purpose of receiving an account of the expenditure of moneys received from public funds, nor will any discussions on such expenditure be permitted at a general meeting of a corps, as the appointment of a finance committee responsible for the expenditure affords ample security for the proper administration of the funds"?—Yes.

632. That represents your view?—Quite.

633. But is it the practice to discuss finance and matters of administration at general meetings?—I have never known it; not in my own regiment.

634. But you rather indicated, I thought, in your earlier evidence, that it was inconvenient for a commanding officer to be subject to criticism from the volunteers under his command in general meetings, but this rule says: "Meetings will not be held in corps for the purpose of expressing an opinion upon the acts of a commanding officer, or of recommending him to take a particular course of action, or of discussing any matter affecting discipline, nor will memorials be drawn up to such effect; and no meeting, except those called together by or under the authority of the commanding officer of a corps, will be recognised." Do you not think that that is sufficient for carrying out the discipline that you regard as desirable?—I think so, but there is a feeling, I think, among commanding officers generally that the general meetings are very inconvenient and quite unnecessary.

635. Then I am rather anxious to get at what you would regard as the ideal condition of things.

Chairman—continued.

You think that if rules were agreed to and exhibited in some public place, so that every volunteer who joined the corps would know that he joined subject to those rules, that ought to be sufficient for all practical purposes?—Yes; or if the rules were handed to a man when he joins. In my case we always hand a copy of the rules to every man and he keeps them.

636. Then you think that Section 24 ought to be amended in such way as to minimise, at any rate, the occasions upon which the officers and volunteers belonging to a corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps"?—Yes.

637. And that they should not be called together to alter or repeal one of such rules?—No.

638. But that the rules should be agreed upon by the officers, subject to the approval of the War Office, and submitted for the acceptance of the men?—I think so.

Sir *Henry Fletcher.*

639. Is it the custom of the regiments you are conversant with for a statement of accounts to be published annually, and posted so that every volunteer, if he wishes, may have access to them?—I believe so.

640. And that is quite sufficient?—Yes, quite.

Sir *Albert Rollit.*

641. Assuming that there has been civil maladministration in a corps, is it not desirable that the commanding officer in that case should be subject to criticism and check?—I take it that in that case complaint would be made to the regimental district, or to the War Office through the regimental district, and they would have power to call upon the commanding officer then to explain.

642. But is not the individual volunteer interested in the proper administration of the civil side?—Of the civil side, certainly.

643. Then, supposing that to have gone wrong, is it not desirable that there should be the possibility of some check upon it. There have been such cases?—I believe there have.

644. Is it not desirable?—Possibly it would be. It might be inconvenient though.

645. By way of suggestion, I ask you whether the difficulty of collecting subscriptions and fines might not possibly be greater if the volunteers had had no part in forming the rules at the general meeting?—No, I do not think so. I do not think there would be more difficulty. Very few regiments now pay any annual subscription at all.

646. And of course when the formation of volunteer corps was first taken in hand in 1859, it was not contemplated that the regiments would be so large as they are now?—No.

647. They were much more limited in number?—Much more limited. And at that time they paid very heavy subscriptions; in my old regiment every private paid three guineas a year.

Sir *Albert Rollit*—continued.

648. So that you think that owing to the cessation of those two circumstances the need and the utility of the annual meetings has passed away?—Quite.

Mr. *Gourley.*

649. Have you had general meetings of your own regiment?—I have had some.

650. Those annual meetings generally are quite a dead letter I understand you to say?—Quite a dead letter.

651. You think that handing the rules to the men when men join would be quite sufficient?—Quite.

Colonel *Howard Vincent.*

652. Is it not the case that the capitation grant account is revised by the War Office?—Quite so.

653. And for any mal-administration of the capitation grant the commanding officer would be held to account by the military authorities?—I think so.

654. And that no general meeting is necessary or is ever held under the regulations as regards the administration of the capitation grant?—No.

655. But in the case of a regiment in which every individual subscribes annually, then a general meeting would be desirable as regards the private funds as distinguished from the official funds?—It might be so.

656. Did you say that your own regiment does not subscribe, do you say?—We do, 5*s.* a year.

657. Do you not have an annual meeting?—No; we post the accounts, that is all.

658. But you see no objection to a general meeting about the private funds as distinguished from the official funds?—I do not see the objection, but I do not see the advantage. I do not see that it is desirable.

659. "All money subscribed by or to or for the use of the volunteer corps or administrative regiment, and all effects belonging to any such corps or regiment, or lawfully used by it, not being the property of any individual officer or volunteer or non-commissioned officer of the Volunteer Permanent Staff belonging to the corps or regiment, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other money due to the corps or regiment, and all lands acquired by the corps or required shall vest in the commanding officer of the corps or regiment for the time being;" that is in the 25th Section of the Volunteer Act?—Yes.

Mr. *Cubitt.*

660. There is also a return of private funds furnished to the War Office as well as public funds?—Yes.

661. Therefore, that would also be a check against mal-administration?—It would.

Sir *Arthur Hayter.*

662. Would not the paragraph 380 of the Regulations distinctly forbid the criticism of the commanding officer or the discussion of the finances of the corps at general meetings?—I think so.

Sir *Arthur Hayter*—continued.

663. Would not this posting of the accounts to all the members, which Sir Henry Fletcher mentioned, be sufficient to satisfy this paragraph which says that a correct statement must be presented of receipts and expenditure of all public funds by the finance committee annually?—Yes, I think that would meet it. I think Sir Henry Fletcher meant that they were posted at the orderly room.

Sir *Henry Fletcher.*

664. I was speaking of the case of my own battalion, which has eleven companies scattered throughout the county of Sussex; a copy is sent to the armoury of each company?—Quite so.

Sir *Arthur Hayter.*

665. Any individual volunteer can complain through his captain at any meeting?—Yes.

666. What subjects are discussed at these meetings when held, do you know; because they are not allowed to touch upon discipline or to criticise the commanding officer, or to touch upon finance?—I think the chief subject is the discussion of the civil side of the expenditure, the private expenditure of the regiment; that is the principal matter.

667. On the whole you think it better not to continue these general meetings?—I think it would be very desirable to abolish them; they are very rarely held.

Sir *Edward Hill.*

668. I do not quite understand what you mean by "private funds"?—In my regiment my men subscribe 5*s.* a year; possibly they might ask to know how that money is spent; it is not public money. Then we have a number of honorary members too.

669. Paragraph 380 expressly forbids discussions on expenditure, does it not?—That is of public funds.

670. Therefore any general meeting would have to be entirely confined to questions relating to money derived from their own subscriptions or possibly money from honorary members?—Yes.

671. And you do not see any advantage in that?—I do not see any advantage in that.

Sir *Arthur Hayter.*

672. On the other hand it would be very difficult for the War Office to prevent it with regard to private subscriptions?—It would under the present law.

Sir *Albert Rollit.*

673. Whether there are general meetings or not depends entirely on the rules of the particular corps?—Yes.

674. There is no statutory obligation on the corps to hold meetings?—No.

675. In the case of your corps, do your rules provide for holding a meeting?—They do.

676. And yet you do not hold it?—We do not hold it.

Sir *Henry Fletcher.*

677. I do not want to enter into your private arrangements with the regiment, but you used the words "civil expenditure of money"; it is

Sir *Henry Fletcher*—continued.

within my knowledge that your corps and other metropolitan corps have regimental camps; now would the expenditure on those camps come under the head of civil expenditure; I allude to the meeting of the National Rifle Association?—No; that is entirely a private matter.

678. So that nobody could discuss that?—No.

Chairman.

679. Take such a matter as the provision of entertainments, is that a matter in which the whole corps is called into counsel, or is it merely determined by the officers?—If it affects the whole corps a small committee is generally appointed.

680. Selected by the men or by the officers?—Nominated generally by the commanding officer.

681. Following in the same Act, by Section 26, the commanding officer is required, subject to the approval of Her Majesty, to "appoint a proper storehouse for the depositing and safe keeping of arms, ammunition, or stores"?—Yes.

682. And those storehouses are "free from all county, parochial, or other local rates and assessment"; have you some suggestion to offer on that point?—There is a very strong feeling that all head-quarters should be exempt from parochial rates; but Colonel Pearson, who has had very great experience in that matter, will give you evidence later on with reference to that.

683. Then we will pass on from that. I will only ask you, would you include drill halls in the general category of head-quarters?—Yes.

684. Now, I believe you would like to say something with regard to the right of exemption from service on juries?—Last year the Lord Chancellor had under consideration whether he would introduce a Bill for the exemption of volunteers from jury service, and we had hoped that something would have been done in that direction. Colonel Howard Vincent introduced a Bill before the House of Commons; but nothing has been done.

685. Is the opinion you have expressed supposed to include all the volunteers as well as the officers?—Yes.

686. You would have a private volunteer entitled to claim exemption from jury service?—Yes. I furnished evidence to the Lord Chancellor, and it showed that there was then such a very small percentage of men who would be affected by the exemption that it was thought it might be a graceful thing to give. But on the other hand, it was said that there was so few men who were affected by it that it was not worth while to disturb the present arrangement.

687. Of course, you would not deprive the volunteer of his right to serve on juries; you would merely give him a title to claim exemption from such service?—Certainly not deprive him of the right; if he had any wish he certainly ought to be allowed to indulge it.

Sir *Henry Fletcher.*

688. May I just read to you a question which I put to Sir Francis Grenfell on this subject at No. 338, and see if you agree with his answer:

Sir *Henry Fletcher*—continued.

"Then, as regards officers, it would be to a certain extent, in your opinion, a reward to them for the services they give to the military service if we granted them exemption from serving on juries?—(*A.*) Yes, I think so. They give a great deal of time, and they really give a great deal of money, and I think it is a very small benefit, but they feel anything of that sort that recognises their services, and that is an advantage, I think;" do you agree with Sir Francis Grenfell's answer?—I do.

689. Then I followed it up by this question: "But, as regards the other ranks of the volunteer force, you think at the present time it is not desirable to make any change," his answer was: "No; I think that if you did you would defeat your object." That is to say, that claiming exemption for the rank and file he thinks would defeat the object. If a claim were put in for non-commissioned officers and privates to be exempt from jury service, he approves of the exemption for the officers, but not for the rank and file. What is your view?—The feeling of our institute was that it would be better to extend it to all; that it would be very undesirable to make any difference.

Sir *Albert Rollit.*

690. It would decrease very greatly, would it not, the number available for the jury list?—Very little indeed.

691. Have you got approximately the figure?—It would affect the jury list but very little; and if you take into consideration that it is spread over the country it would hardly be appreciable.

692. Could you give me any approximate figures?—I have not them now, but I will furnish them later on if you wish it. I will put in at the next meeting a copy of the memorial that we sent, if you please.

693. You said something about some previous change that you recommended settling the jury question. I do not think it would be so; do you know the terms of the Jury Act?—Generally, I think.

694. You would require legislation, I mean, to settle it?—Certainly, you would require legislation.

695. In the figures that you are going to give you distinguish between the officers and non-commissioned officers and privates as to numbers?—Yes, in that report.

696. That you will kindly do?—Yes.

697. You know that officers of the army and militia and yeomanry are only exempt under the Jury Act when on full pay?—Yes.

Mr. *Wason.*

698. Do you think it would be an inducement to a man to become a volunteer if he were exempt from serving on juries?—I do not think it would affect it to that extent, but I do think it would be looked upon as a boon if they were exempt.

699. You do not think that it would increase the numerical strength of the force in any way?—I think not.

700. It would not be taken into account in any way you think?—It might, to some extent, but I do not think it would affect the enlisting power.

Mr. *Munro Ferguson.*

701. Do you think it would be worth while to exempt the officers unless you exempted the non-commissioned officers and men?—I would exempt all.

702. Supposing it were proposed to grant exemption only to officers, do you think it would be worth while giving exemption to the officers, unless extended at the same time to the non-commissioned officers and men?—Yes, I think so.

Colonel *Howard Vincent.*

703. Is it not the case that Colonel Pearson by fighting it through the courts obtained exemption from the rates of head-quarters, drill-halls, and store sheds?—Yes.

704. And that that appeal has been recognised by most of the metropolitan vestries?—Yes.

705. And the War Office left it to the volunteers and Colonel Pearson to do this without lifting a little finger to help?—Colonel Pearson will give evidence about that.

706. But they were indebted to Colonel Pearson for that decision and fighting it through the courts?—Entirely.

707. With regard to the jury question, is it not the fact that 25 per cent. of the officers, 20 per cent. of the non-commissioned officers, and 8 per cent. of the privates, are liable to jury service?—Those are (I think) the figures which I have promised to give.

708. The officers would like the exemption, but there is not a very strong feeling on the subject, is there; or is there a very strong feeling?—I think there is a strong feeling among the officers.

709. Are you aware that when I introduced the Bill some of my own officers said they liked to go on juries, and did not wish to be exempted?—Personally I do not like to go on juries.

Chairman.

710. But there is nothing in the proposal to exclude any officer from serving on a jury?—No.

Sir *Edward Hill.*

711. You are of opinion that it would be looked upon as a boon and encouragement by the whole force if they could be exempt from jury service?—I think it would.

712. Supposing that is too large a measure, do not you think there are some special reasons why officers and non-commissioned officers should be exempted, inasmuch as both the officer and non-commissioned officer has duties to perform off parade over and above attending a certain number of drills?—Certainly.

713. And demanding a larger sacrifice of time than is the case with privates?—Yes.

714. And that is a reason why they might press their claim for this boon?—I think so.

Colonel *Murray.*

715. You said that exemption from jury duty would not have a good effect in obtaining the services of men as recruits for the volunteers; do you think that it would have a good effect in retaining the services of those already serving after they experienced the advantages of being exempt from jury service?—Possibly; I think it might.

Colonel *Murray*—continued.

716. Would that be a reason for exempting them from jury service?—Yes.

Chairman.

717. I am afraid those are the only matters upon which we should be entitled to examine you?—There is one word I should like to say on equipment; may I say a word on that?

718. Always on the understanding that it may be outside our powers, yes?—When the grant for equipment was made to the volunteers of 12*s.*, it was made upon the numbers who were then serving. Some of those regiments were very much below their strength at the time; they have increased since; and they have not been able to obtain the grant for those men; they have been obliged to provide the whole of the equipment out of their own funds. That is looked upon as a very great hardship and discouragement. If out of a battalion of 800 men you have given it to 600, we do not see why when it comes to 800 you should not make up the balance to them.

719. But is it not true that the annual grant was purposely increased so as to enable corps to provide the equipment themselves?—Not for those men who have not been provided by the War Office; that annual grant of 2*s.* is for the maintenance of the equipment to those men who had it supplied to them.

720. In the case of those men who received it in the form of a capital sum say, the annual grant was not given, was it? they did not receive the same annual grant as those members of the corps who had not received what we may call the outfit?—I cannot see how that applies, because the grant of 2*s.* would not be payable except for those men who are already in the ranks.

721. It is a point of controversy that has been brought before the War Office and raised in Parliament repeatedly, but is not within our province?—Then I will not refer to it further.

Sir *Albert Rollit.*

722. Have you experienced any difficulty about summary jurisdiction proceedings in the recovery of fines?—No, I have experienced no difficulty.

723. Have you experienced any inconvenience from the right to give notice of 14 days to leave the corps?—No, I have experienced no difficulty there.

724. You have no objection to that continuing?—No.

725. Have you had a want of officers and a difficulty in procuring officers?—I have not; I am particularly fortunate in that respect.

726. Can you make any other suggestion except exemption from jury service, as an inducement to officers to join the volunteers, as to status, I mean?—Well, there are so many reasons that I have had given to me as the secretary, but I do not think that I can put forward one really.

727. You cannot put forward any that commend themselves to you?—No, I do not think I can.

Sir *Albert Rollit*—continued.

728. Do you think a Parliamentary inquiry on that and on financial subjects would be desirable?—No, I do not think there would be any use in that, because I may say that the institute some time ago offered prizes for essays, to try to give us some idea of how to induce men to take commissions in the service, and really there was nothing worth considering in any one of them; and the matter has been before the War Office so often. We have made suggestions and they have made suggestions, and nothing has come of it.

729. You say that the men do not know when they are under the Army Act, or otherwise; do you think it would be wise to consolidate the law as to volunteers, so that all might know, officers and men?—I think it would be desirable.

Colonel *Murray.*

730. Do you know that in some volunteer regiments the men enter into a civil agreement with the commanding officer for a fixed term of service?—Yes. In my own regiment they agree to serve for four years.

731. And do you consider that under these circumstances and taking into consideration the great expense of uniform and the care in training now bestowed upon a volunteer, it is a satisfactory arrangement that the man should be able to terminate the engagement by giving 14 days' notice to his commanding officer?—No; I think it very undesirable.

732. Is he not able to do that, to retire from his regiment by giving 14 days' notice?—If he pays up all the arrears.

733. You think that that is a satisfactory arrangement; that such a short time as 14 days is sufficient notice?—Quite sufficient if he pays up all his arrears. According to the rules handed in by Sir Henry Fletcher, if a man retires in the first year he pays 30*s.*, if in the second year 1*l.*, and if in the third year 10*s.*, and in addition to the fine he is liable to be discharged.

734. You find that where those fines and charges are paid it is better that a man should go at the end of his 14 days' notice than that he should be kept longer and give longer notice?—I think it would be very desirable to let him go.

735. Have you men from the volunteer corps enlisting in the army or the militia?—Yes, a good many.

736. And that has been a loss to you which has not been recouped?—Yes, a great loss, and it is a great hardship; I once left 15 men at Aldershot at one camp, and those men had just joined a month or two before, and it cost 6*l.* each man.

737. Is there no means of recovering the Capitation Grant?—No.

Sir *Henry Fletcher.*

738. But you can recover the clothing?—Yes.

Mr. *Munro Ferguson.*

739. Do you think that the provisions of facilities for target practice has an effect upon the Volunteers; do you think that giving increased facilities for target practice increases the facilities for recruiting officers and men?—Yes, I think so; it has a very good effect.

740. One of the questions before us is the acquisition of lands for military purposes. I do not ask you a question on that, because I do not know whether it has been asked already; but you do think that some stimulus to recruiting for the volunteers may be given where there are facilities for that?—Yes.

741. Do you find much difficulty in that?—Yes, we have to go to Bisley, and the whole distance is too great.

Mr. *Warner.*

742. You said that you lost 6*l.* on each man that joins the army; how was it that each man cost you 6*l.*?—The whole of his equipment; the clothing and the whole of his equipment.

Mr. *Cubitt.*

743. Do you provide new equipment for every man?—Yes, new equipment for every man.

Sir *Edward Hill.*

744. He did not take the clothing with him?—Some of it is returned, but I could not use the old clothes for my men; they would not take them.

745. That is not the general principle?—I know that in some regiments they take partly-used clothing, but mine is a class corps.

Mr. *Warner.*

746. Would they not use the great-coat over again?—Possibly they would.

Sir *Henry Fletcher.*

747. With regard to your suggestion under the head Paragraph IV., Section (a), do you wish to say anything on that: "That onus of proof that arms and other property of the corps are properly in the possession of any person rests with that person. That power shall be given to enable the police authorities to take immediate action on becoming aware of any such person being in illegal possession of arms and corps' property after notice from the commanding officer"; do you wish to say anything on that?—Yes, we would desire to have some extra power given us for the recovery of arms and property belonging to the corps; we think it would be very desirable.

Chairman.

748. At present you have to apply for a search warrant?—Yes.

749. And you think it is sometimes inconvenient to have to go before a Justice of the Peace?—It is inconvenient, but I cannot say that I have had very much experience about it. This is put forward by some of the provincial colonels, and we have not experienced it in London.

Sir *Edward Hill.*

750. But do not certain powers of searching for arms now exist?—Yes, you can get a warrant.

Colonel ROBERT BRIDGFORD, called in; and Examined.

Chairman.

751. WILL you state your position?—I command the 2nd Volunteer Battalion of the Manchester Regiment.

752. You have heard the evidence that has been given by Colonel Stanley Bird?—I have.

753. And I will not trouble you to repeat, except in saying whether you concur or disagree in the main with the evidence given by him. I will in the first place ask you with regard to the language in Section 17, which enables Her Majesty to call out for actual military service the volunteer corps "in case of actual or apprehended invasion of any part of the United Kingdom"; you think those words are not sufficient to meet conceivable emergencies, I believe?—I do. I think the words "imminent national danger" would be better.

754. Will you explain to us in a few words why you think the words as they now stand in the Act would be insufficient?—I do not think they give power to call out the volunteers soon enough; I think we should be allowed to be called out in the case of any great emergency, and not merely in the case of actual and apprehended invasion.

755. Can you imagine that the reserves may have been called up and the country denuded of its regular troops and militia to a dangerous extent, and that still the terms of the Act might not justify Her Majesty in calling up the volunteers for military service?—I can. I think that we, the volunteers, might be left comfortably sitting at home while the regular troops and possibly the militia were being sent out of the country; and that power ought to be given to call up the volunteers much earlier than these words would admit of.

Mr. *Warner.*

756. You approve of the words "great emergency"?—Well, "imminent national danger," I think, admits of emergency, does it not?

757. You prefer the words "imminent national danger"?—Yes, I think they are more comprehensive.

758. But you would not say that there was any objection to "great emergency" provided that there was a clause of course in whatever Bill passed, whatever legislation took place, that the militia and reserves should be the first to be called out before the volunteers?—I think I should not object to the word "emergency," certainly if it were understood that we were liable and likely to be called up at the same time as the militia were embodied.

759. Not before?—At the same time as the militia were being embodied, I think we ought to be liable to be called up.

760. Then you would have no objection in that case to "emergency"?—No.

Chairman.

761. Will you say whether you think that if there is a greater liability for the volunteers to be called up for actual service, the fact would be likely to influence employers of labour for example, or to operate in some prejudical way to volunteering generally?—I do not think it would. The great majority of the men serving now are very young.

Sir *Albert Rollit.*

762. Do you find any practical and general difficulty with employers on particular days?—So long as we do not call a parade at a time when the men are engaged in civil work we find no difficulty.

763. But on a holiday?—No. We cannot order a parade any day in the week but Saturday with advantage, and then not before 2 o'clock.

764. And subject to that being adhered to, you do not find any practical difficulty with employers?—None. There was in the early days of volunteering, but there is not now.

Mr. *Gourley.*

765. Do not you think that in the event of danger volunteers should be liable to come and serve at any time that any members of the other forces do?—I think whenever the militia are called out then we ought to be.

766. Called out at the same time?—Called out at the same time. It is quite possible for us to be following our civil occupation and still getting ready by parading every night and Saturday afternoon, in fact we could go into camp at any time.

Sir *Albert Rollit.*

767. You do not mean that you should be called out when the militia is embodied, but that you should be liable to be called out?—Yes; the decision as to the necessity would rest with the authorities at the War Office or the Government.

Colonel *Howard Vincent.*

768. The Manchester volunteers are as keen as they are efficient?—I think so.

769. And the change in the Act which you think desirable would not make any essential difference in the strength of your regiment?—I do not think so.

770. And it would be cordially accepted by the great majority of the Manchester volunteers?—Yes.

Sir *Edward Hill.*

771. Do you think that putting the volunteers under the Army Act would best tend to raise the military status of the corps?—I think it would, that it would make it more appreciated by the general public.

772. And is it your opinion that the improvement of the military status of the volunteers is, or possibly may be, the only means of attracting a proper supply of officers?—I think it is the only means. I mean if you could make it as much desired to be an officer in a volunteer battalion as it is in a line battalion, the difficulty is gone. There would then be no expense or other difficulty to contend with.

Mr. *Cubitt.*

773. You said you found no difficulty with the employers; but do you find any difficulty in getting the men to camp?—My battalion is composed of a better class of men than usual, employed in warehouses and so on. I cannot get my full complement. We are 1,260 strong, and we get between 700 and 800 men in camp; there may be, perhaps, six or eight or 10 in a warehouse, and only one half of those men can be away at a time. We go into camp during Whit week, which is the holiday week in Manchester; still there are two days when the warehouses are partially, if not wholly open, and the whole of the men cannot be absent at the same time.

774. Speaking generally for the volunteers, is there any difficulty in getting the men away for several days at the time?—No; they come for the week. There are some men who have to take their holiday that week, and they do not always take it in camp.

775. You said the holiday was in Whit week in Manchester; is it a more general holiday than in London at Easter?—Yes; it extends over the whole week.

Sir *Arthur Hayter.*

776. How far do you propose to extend the liability to military law?—I think to regimental camps. I am satisfied myself with the power which the commanding officers now have. I think the power of dismissal is a very great one; and in my case (I have been a commanding officer for 27 years) it has been quite sufficient the whole time.

777. And why do you advocate any more, any greater power?—I do not object to it. I believe the majority of commanding officers prefer it. It might make possibly the punishments more uniform.

Chairman.

778. But from your own individual experience you wish us to understand that you do not think it necessary for the efficiency of a corps that it should be placed under the Army Act to a larger extent than is now the case?—Not necessary with my men.

779. Do you find that a moral stigma attaches to a man who is dismissed from the corps?—Decidedly, and it is a very severe punishment with us.

780. And therefore a valuable deterrent?—It is.

Mr. *Warner.*

781. In the case of the officers do you think there is any advantage in the officers being under martial law during the whole year?—I think there would be some advantage in the officers being always under the Army Act.

782. What advantage do you anticipate?—I think in the eyes of the general public it would cause the commission to be looked upon as more important.

783. And the officers would not object to it?—No, I do not think so.

Sir *Albert Rollit.*

784. You think that liability to be court-martialled would be attractive as improving the status?—I do not see much attraction about that.

785. Would you consider that liability to be court-martialled would improve the status of the officers?—If the world thought that the volunteer officers were serving under exactly the same conditions as the officers in the line and militia, they would think more of the commission; and I do not see any other way of inducing men to join unless you make the commission more sought after and desired. Expense is not an insurmountable difficulty.

Colonel *Howard Vincent.*

786. Have you any difficulty in getting officers?—I am feeling a difficulty at present. Two or three have had to leave on account of age; one an old officer has died; so that just at the time I am suffering a little, merely temporarily; but that is a very great difficulty in general experienced in getting officers, especially of the right sort.

787. But you would not be in favour of any difference between commanding officers and other officers?—No.

788. Is there any reason in the world why commanding officers should be put under the Army Act and not other officers?—No.

Mr. *Wason.*

789. How many men have you had to discharge during your 27 years; Colonel Bird said he had only had one?—Forty or fifty.

Sir *Albert Rollit.*

790. You said there is great difficulty in getting officers; what is the reason?—It is not considered quite the thing to be an officer in a volunteer corps.

Chairman.

791. You mean the status is not sufficiently attractive?—It is not held to be so by the world.

Colonel *Murray.*

792. It is not fashionable, in fact?—No.

Mr. *Wason.*

793. Not as fashionable as the militia?—The militia are as badly off as we are for officers, and if you took from the militia those who are merely there passing through to get into a line battalion, they would be much worse off than we are.

Sir *Edward Hill.*

794. Do you think it would be desirable to give the volunteer officers some chance of being in the regular army?—I do.

795. You think it would be an incentive to men to become officers in the volunteers?—I think it would.

796. And in your opinion would it improve the status of the officers?—Yes, it would bring men on the prospect of passing through into a line battalion who might fail or change their minds, and though coming for a temporary purpose they might remain with us.

Colonel *Howard Vincent.*

797. The value of the commission is the same as in the regular forces?—It is, but not in the eyes of the world.

798. The wording of it is the same?—Yes.

Mr. *Gourley.*

799. Do you promote your men from the ranks?—Every now and then; I have not done so of late. I have promoted one just lately; but in the early days, of course, it was a common thing, but not now. The same class of men do not go into the ranks as did formerly, excepting in my own battalion. We have some, and hence every now and then I can promote a man.

Sir *Albert Rollit.*

800. Do you see any practical way of meeting the dearth of officers?—I confess that I do not know what to say in reply to the question. I think it wants thoroughly sifting by a Royal Commission.

Mr. *Cubitt.*

801. Do you not think that the initial expense has something to do with it; the expense of outfit?—Only because the commission is not valued as it should be, and therefore we have to get men to join immediately they come down from school or college, and that is just the time when their parents have had enough expense with them, and they do not like to go to the further expense of 50*l.* or 60*l.* for outfit.

802. But is it not rather an advantage to get your officers young?—No doubt.

Sir *Albert Rollit.*

803. Has the greater prevalence of sports anything to do with it?—Something.

804. And the number of uniforms?—No, I do not think the number of uniforms. There is the full dress, and the serge, and the mess uniform; and if you were to say, "Well, now, it is optional, you shall get one uniform the first year, and the second the next year, and the third the third year," you would find that the youngsters would get the whole of the uniforms at once. The first mess dinner you would see them in mess uniform; otherwise they would not take the commission at all.

Chairman.

805. You do not think it is desirable that Parliament should restrict the liberty of corps to make their uniform as costly as they think proper; you do not think that any legislative restraint upon the expenditure in uniform, is desirable?—No, we have now come down to, I think, nearly the minimum cost.

Sir *Edward Hill.*

806. I will put it stronger. Do you think that if the smart uniform is taken away there will be less inducement to men to join?—No. In my own case we have adopted the service jacket which we wear on almost all occasions now instead of the tunic. We have only worn the tunic once this year.

Sir *Albert Rollit.*

807. Do you think the inevitable expense of camps and the like has anything to do with the dearth of officers?—No.

808. Not a question of expense at all?—No, because I think that the cost of going into camp for a week to an officer is no more, if so much, as going away for a week elsewhere.

Chairman.

809. May I ask you if you have anything t say with regard to Section 24 of the Act of 1863, upon the matter of rules. You heard the evidence which has been given this morning as to general meetings, and as to the part which the volunteer is supposed to have in accepting or agreeing to the rules of the company he is joining?—I think the rules ought to be fixed by the War Office, and all corps serve under the same rules, and then there would be no necessity for general meetings.

810. That a code of rules should be laid down by the War Office and made universally applicable, and that the assent of the volunteer, on enlistment, to those rules should not be required?—No, take it as a matter of course that those are the conditions under which he serves.

811. As arising out of that answer let me put a question to you about the liability to fines and subscriptions which in some corps, at any rate, the volunteers are subject to?—I thought the fines and subscriptions had entirely disappeared, they certainly ought to.

812. You think that they ought not to require the payment of a subscription or payment of a fine in certain contingencies?—No. The capitation grant properly administered is sufficient without subscriptions.

813. But do you suppose that a fine is inflicted for the purpose of raising money?—I suppose it is a remnant of the old days when men were fined for not performing their duties.

814. What would you do instead of inflicting a fine?—Punish the man in some way.

815. Other than that of levying a fine upon him?—Yes. I suppose we can only punish by dismissal; but in camp for minor faults we confine men to camp for a day or a couple of days, or put him to kitchen work for an extra time, or to extra guards; but I believe we have no legal right to do so.

816. But do you think that the enforcement of strict discipline and discharging the unsatisfactory men would tend to make the corps more attractive to the better kind of men?—I do; I think if it were known that that was the treatment instead of the money payment the vacancies would soon be filled.

Mr. *Gourley.*

817. Have you ever known a man fined for neglect of duty?—Not for thirty years.

818. And fines are going out of use altogether?—Entirely. I have not heard of it for many years till I heard it in this room.

819. Have you ever had any meetings of your corps?—Only when we have changed the rules.

820. Has that been very often?—Twice.

821. With regard to annual meetings now, do you consider them to be a dead letter?—Yes.

Sir *Edward Hill.*

822. And you do not consider any meetings of the corps desirable?—No. Meetings of officers we have.

823. Meetings of the corps you think undesirable?—I think them undesirable.

Mr. *Cubitt.*

824. Do you find it any punishment confining men to camp?—Yes, the men get chaffed by their friends and so on.

Mr. *Warner.*

825. Confining to camp does not mean the same as it does in the army, also an extra drill included?—No, it does not.

Chairman.

826. You have something to say with regard to the expediency of enabling volunteer officers to obtain commissions in the regular army on easier terms than is now the case?—They cannot pass through volunteer battalions now.

827. You mean a volunteer officer must present himself for a Sandhurst examination on precisely th same terms as any private individual?—Yes; and he should join as he joins the militia, with the understanding that a certain number of commissions shall be given to volunteer battalions, or that there shall be the opportunity of a certain number of men passing through volunteer battalions as is given to militia regiments now.

828. Will you explain to the Committee what you understand to be the rule with regard to militia officers?—I understand that an officer joining a militia battalion and serving two trainings can, by passing the necessary examinations, be transferred to a line battalion.

829. That is to say, by passing a special examination adapted to his supposed capacity; is that what you mean?—The ordinary army examination, of course. First of all, there is the preliminary, the educational test, and then there is the other test, the final examination in purely technical subjects.

830. But do you mean to say that a militia officer, desiring to obtain a commission in the regular army, has to pass the same examination that anyone has to go through?—Not exactly the same as the line, but very nearly.

831. The course is made easy for a certain limited number of militia officers to obtain a certain number of commissions in the regular army set apart for them?—Yes.

832. For competition among themselves in fact, is it not?—Yes, I think it is now.

833. And you desire to have a certain number of commissions offered upon somewhat similar terms for competition among volunteer officers?—Yes, volunteer battalions.

834. That is not a matter which will have to be dealt with by law, but still we are glad to have your opinion on the Notes; now what is your difficulty with regard to ranges in the Manchester district?—Our difficulty is to get ground at anything like a moderate cost. To secure ground at all to begin with. As an example, we have six battalions in Manchester, and we have been working for seven years to find a site, and only one really presented itself that was within the bounds of reason as far as cost and distance were concerned; we found it would cost 15,000*l.* to equip the range; and this money was ultimatey agreed to be lent by the War Office upon repayment by the various battalions. But before the money was actually advanced the range was inspected again by the authorities of the War Office and they enlarged their requirements. They said that there must be more land in rear of the targets than in the first instance they had approved of, resulting in a further outlay of practically 5,000*l.*; we applied for this 5,000*l.* from the War Office on the ground that the funds of the battalions would not admit of our finding the extra money; but the War Office declined, and the range has been given up, so that we are now without a range.

Chairman—continued.

835. Is there any military range with an easy reach of Manchester?—None; the nearest is the Fleetwood, which is, I suppose, 38 or 40 miles away.

836. Two hours' railway journey, probably?—An hour-and-a-half by special train; an hour-and-three-quarters, or two hours, by other trains.

837. Are you allowed to practise upon the range at Fleetwood?—No. This is the first year that we have been actually without a range, though we have been seven years under notice. This year I took my battalion to Altcar, a very excellent range on the Lancashire coast; and while in camp we got 800 of our men through their musketry course, and we are borrowing and begging where we can from the owners of local ranges to endeavour to get the rest of the battalion through; but the range difficulty is a most serious difficulty.

838. I suppose you would get some assistance in the matter of the railway journey?—We shall have to do it within the 4*s.* per man allowed by the War Office.

839. Would that amount carry them to and from Altcar?—It would take them once, but if they failed to get through then they must go there a second time and possibly a third time.

840. I suppose I may take it that you feel that the situation is so serious that the Government ought to do something more than they have yet done in providing funds for the purchase of ranges suitable for volunteers?—True; I think they will have to find the ranges and lessen the Capitation Grant. Government should lessen the Capitation Grant and find the ranges.

841. You are aware that even apart from the money question the problem is a difficult one?—I know it is; but I think it will be much easier overcome by the War Office than by private individuals.

842. I suppose that you think it would be possible for the volunteers to combine to a great extent with the War Office in procuring suitable ranges which might be available on the one hand for the volunteers, and on the other hand for regular troops, by mutual arrangement?—The difficulty is this: that the War Office cannot get ground for their practice sufficiently near the head-quarters of our battalions to be of much service to the volunteer battalions, because, unless the ranges are fairly near and the men can go for practice in the evenings and on Saturday afternoons, they are not of much use. There will not only be a serious falling off in the number unless ranges are provided, but the quality will depreciate unless the shooting is encouraged.

Mr. *Warner.*

843. You think that it is so important that they should have ranges near the town, that it would be even better that the War Office should diminish the grants and spend the money in ranges?—Certainly, because the capitation grant of 35*s.* is made up of various items, one of which is, of course, the cost of providing a range; and if they provide the range they will naturally want to take out that item, and it would be fair that it should be taken out.

Chairman.

844. You do not suggest, I understand, that the difficulty would be met by any amendment of the Military Lands Act?—No; I think this range question is too big a question now for private enterprise; I think it must be taken up by the War Office regularly.

Mr. *Gourley.*

845. Where do the regular troops practice in Manchester?—Some company by company at Altcar; and then there is a new station, Chipping, and some are there now.

846. And do you go there?—They are too far away from us.

847. Where is your local range?—It was about 13 miles away from Manchester. The fare for men being 6*d.* and the officers 1*s.*, and the result was that the men went down in the evenings to practice and on Saturday afternoon as well. We received notice to quit the range on the score that it was dangerous, and some of the battalions are not shooting at all now.

Mr. *Gourley*—continued.

848. Then you will not be able to obtain your capitation grant?—In my own corps we shall get through; but taking the case of others it is in jeopardy, and I shall be in the same boat next year. We have all applied for our capitation grant whether we shoot or not.

849. You think that the question of ranges is of the utmost importance?—I think that overshadows everything else.

Sir *Edward Hill.*

850. I understand, that by proposing to reduce the capitation grant, you merely mean that a particular portion of the amount supplied for ranges should be eliminated in consideration of the Government having supplied it?—Yes.

851. You do not mean to convey the idea that the capitation grant will admit of any diminution?—No.

Mr. *Cubitt.*

852. You said that you got 4*s.* for travelling expenses if a man goes to Altcar?—Yes, that is so.

853. I think it was stated that the travelling allowance for men going to Bisley is 2*s.*?—I think there must be some mistake about that. I think the 4*s.* is paid to everybody, provided the ranges are a certain number of miles away from head-quarters; and Bisley must be included.

Chairman.

854. Is there any other question affecting the legal status or the position of volunteers under the existing law that you would like to speak of?—I do not think so.

Colonel MICHAEL BROWN PEARSON, called in; and Examined.

Chairman.

855. YOU command the 2nd Middlesex Volunteer Artillery?—I do.

856. You have had the advantage of hearing the evidence which has been given by the preceding witnesses, and you are aware that the subjects upon which you desire to give us your opinion follow very closely upon their lines; I will, therefore, with the concurrence of the Committee, take you through your general agenda. You have heard what has been said with regard to the circumstances under which volunteers may now be called out for actual military service?—Yes.

857. Will you say how far you think the term "actual or apprehended invasion" suffices for the necessity of such a case?—I think in the present day that the contingency might arise when you would require to call out the volunteers earlier than in the case of actual or apprehended invasion.

858. And do you think that either of the terms which have been suggested by the preceding witnesses indicating the right of the Secretary of State to call out the volunteers in case of emergency of any grave or serious kind would be better?—I prefer the term "imminent national danger."

Chairman—continued.

859. And how far do you think that that should be interpreted or applied in reference to the simultaneous or prior calling out of the reserves or the militia?—It is quite conceivable that the volunteers might be required even before the militia. In fact I know of my own knowledge at least one fort where the volunteer artillery are to be called out prior to the militia, and while the militia are being mobilised; so that I would not make it in any way contingent upon the militia.

860. Yes; but that answer applies to the artillery rather than to the rifle corps?—Yes, it does.

Mr. *Warner.*

861. You say prior to the militia being called out; but it is while they are being mobilised?—Yes, while they are being mobilised.

862. But the orders would been already given to call them out?—Yes, "while they are being mobilised" would possibly be more correct.

Chairman.

863. Sir Francis Grenfell, in reply to a similar question said, that he would desire to call out volunteer artillery while the militia were mobilising, but after the orders for the mobilisation

Chairman—continued.

of the militia, that would meet your case?—Yes, after the orders.

Mr. *Warner.*

864. You say you prefer "imminent national danger" to "great emergency"; would there be any serious objection to the words "great emergency," in your opinion?—I think it would have rather a deterrent effect upon recruiting; I think it is a little too wide for the volunteers. In the case of the militia, as you are aware, the terms are "imminent national danger, or great emergency," and, I think, the words "great emergency" might apply to such a case as the case of the Russo-Turkish War, where they called out the reserves. I think that is not a case in which the volunteers ought to be called out.

865. Would such a difficulty be met by a special proviso that they should not be called out unless the militia and reserves had already had orders to come out?—I think it would be better that it should not be made contingent upon the other forces at all. I would leave it absolutely in the discretion of the Government to interpret.

Sir *Edward Hill.*

866. Do you think it might be possible for artillery, at all events, to have to man a fort before orders were taken to call the militia out?—Yes.

867. And the reason of that would be that it would be necessary to familiarise the volunteer gunners with guns, which at present, in many stations, they have no means of seeing?—I think the reason is that the volunteers would be more available than the militia. Many of the militia regiments which have to man particular forts must come very long distances, from Scotland and Ireland, for instance, to the south coast of England, and that is the reason why, in particular places, the volunteers would be placed temporarily in those forts while the militia were being mobilised.

Sir *Arthur Hayter.*

868. But you recognise that there are occasions like the Egyptian War when the militia and reserves are both called out and when it would be absurd to call out the volunteers?—I should like to provide against that.

Chairman.

869. You would like to see the volunteers, as to calling out, under the same law as the militia?—Not quite so wide as the militia. The militia include the term "or great emergency"; I would omit the words "or great emergency" for the volunteers; I think they are too wide.

Sir *Edward Hill.*

870. Do you see much difference between the term "great emergency" and "national danger"?—I think the term "great emergency" might be interpreted very differently from "national danger."

Chairman.

871. May I ask this question: whether you think it expedient that the law should be amended so as to enable the Secretary of State to accept the services volunteered by volunteer artillery?—I think it is very desirable that the Secretary of State should be able to accept the voluntary offers of service of a corps, or any part of a corps, as volunteers.

872. Now, you would like to say something as to the circumstances under which officers (and I confine the question for a moment to commissioned officers) are placed under the Army Act?—I should like to see the officers under the Army Act at all times. I believe that commanding officers are now under that Army Act under the present law.

873. I think the contrary has rather been assumed by the witnesses before us?—If I may be allowed to say so, the Army Act expresses this: That persons subject to the Army Act as officers are persons who are in command of troops subject to that Act. Commanding officers are always in command of the permanent staff; the permanent staff being always subject to the Army Act, therefore, I think that commanding officers are under the Army Act at all times.

874. You do not limit your answer to the time when such officer is doing duty with any body of troops for the time being subject to miltary law?—No, the permanent staff of a volunteer regiment is always under the command of the commanding officer, and under that section of the Army Act, as I read it, he is subject to the Army Act. It is a very nice point of course.

875. Then, assuming for the moment that the commanding officer of a corps is under the Army Act, would you extend that control of military law?—I would; I should like to see the officers of the volunteer force placed under exactly the same conditions as officers of the militia, in that respect.

876. And how far would you say the same thing in regard to the volunteers?—I should not go so far.

877. Would you place the volunteers under military law to any extent further than they are now subject to it; I understood that the volunteers are now subject to military law when they are associated with regular troops, even in very small numbers?—Yes. To my mind it is not very clear, and it would be rather to remove any doubt that I would like to see the language employed made clearer. If I might be allowed to define it broadly, I would say that I would not place volunteers (I mean the non-commissioned officers and men) under tha Army Act at all times; that is to say, during their ordinary drills, but I should like to see them placed under the Army Act, whenever they were associated with regular troops.

878. As now?—As now; or with any troops subject to the Army Act; or when in camp or marching columns, or undergoing inspection by an officer of Her Majesty's Army or by a brigadier.

879. But not, for example, when they are practising in plain clothes, when they are shooting

Chairman—continued.

shooting, for example, in plain clothes; you would not think it desirable then?—Not at that time.

880. And of course you would not follow them into their civil occupations?—No. The section of the Army Act quoted in the Statute Law given in the Volunteer Regulations is not quite up to date. They quote the Regulation of the Forces Act of 1871; but they should have quoted the Army Act of 1881, where the words are rather different.

881. What page of the Regulations?—Page 282 of the Regulations, under the general heading of officers and volunteers, discipline and statute law.

882. What section?—Under the head of discipline, part III.

883. Army Act, 1881, Section 175, Sub-section 6?—The book that I have quotes the Regulation of the Forces Act, 1871, but the Army Act, 1881, gives the words "when acting with the regular forces." I speak from memory.

884. "When attached to or doing duty with auxiliary forces"?—Yes; and it contains also the words "when acting with the regular forces." My point is that I would like to see it more clearly defined, because there is considerable doubt when volunteers do or do not come under the Army Act.

885. You think it expedient that the volunteers at the time of coming under the operation of military law should be informed of the fact?—Yes, I think that the present regulation is a very good one.

886. Which requires that the section should be read out to them?—Well, I merely publish the fact in regimental orders.

887. But you think that some such intimation of the fact should be given?—I think so.

888. We have been told this morning that even officers are sometimes innocent of the knowledge of whether they are or are not under the Army Act at a particular time?—Speaking for myself I always make it very clear in regimental orders.

889. You think it very desirable that it should be made clear?—Most desirable.

Sir *Henry Fletcher.*

890. Can you point to any part of the Regulations with regard to what you said to the effect that in your opinion, a commanding officer owing to the fact of his being in command of the permanent staff, is held to be under the Army Act?—Not in the Statute Law relating to the volunteers in this book of Regulations, but in the Army Act, persons subject to military law as officers.

891. And it lays down, does it, that a volunteer commanding officer is under the Army Act?—Not in so many words, but officers in command of troops subject to the Army Act it makes subject to the Army Act.

892. That is not generally known, is it?—Not generally known. I think it is a very nice point, but perfectly clear.

Mr. *Gourley.*

893. A commanding officer cannot resign without the permission of the War Office?—An officer has no statutory right like a volunteer to resign.

Sir *Edward Hill.*

894. In fact, he is not a statutory volunteer under the Act?—Not a statutory volunteer.

Mr. *Gourley.*

895. He is not under the Army Act?—Not at all times.

Sir *Edward Hill.*

896. You said you were in favour of putting the volunteers under the Army Act on several occasions, such as camp; do you think there would be any serious objection to them being put under the Army Act whenever they were under arms; what evil would arise?—My objection would be this: if you put a body of men under a law which you do not intend to enforce, I think you would rather bring it into disrepute.

897. Do you not think that placing the volunteers under the Army Act would tend to raise their status?—It would do that.

898. And do you not think it is very important that the military status should be raised with a view to rendering the service more attractive to the officers in varying ranks?—Yes; I should think it very desirable that the military status should be raised; but I fear it would be rather at the expense of numbers.

899. Do you consider that men who would not mind being under the Army Act on the occasions you mentioned would have an objection to being under the Army Act in ordinary times?—I think so.

900. Have you in your experience found any objection to men being under the Army Act?—I have never found any.

901. You found practically it made no difference to the discipline of the regiment?—Not any.

Sir *Arthur Hayter.*

902. The question is a very narrow one, is it not, because if you extend it, it would only be to cases where they were under arms by themthem; they are under military law now when there is any body of the regulars with them?—Precisely.

903. And in your opinion would it be worth while to make this great change for the simple sake of that small difference?—I think when they are under a regular officer being inspected and in regimental camp though they are not associated with regular troops, on those occasions it is very desirable that they should be under the Army Act.

Chairman.

904. Now you have heard the evidence this morning with regard to the various questions coming under Part IV., applying to the rules and property of the corps and the expediency of general meetings, and of obtaining the co-operation of non-commissioned officers and men with regard

Chairman—continued.

regard to the rules under which they are to serve, will you give us your opinion as to the operation of that section?—I think it arises out of their possessing what I may call corporate property; I think where you have corporate property, which a regular regiment has not, that you require rules to define how it is to be managed.

905. And do you think it desirable that those rules should be agreed to beforehand by all those who have to abide by them?—I think in a case where men contribute to the funds they have a right to a voice in the management.

906. But supposing as we have been told this morning is very common and as is your own case, that men are not required to pay any subscription, do you think they ought to have any voice in the disposal of the funds?—I think they should have absolutely no voice in that case.

907. But should they not be parties to the rules under which fines may be inflicted upon them?—In the case of my own corps we have eliminated all fines from the rules, except the fine of the Capitation Grant to a man who has to earn it.

908. You have heard that it has been suggested that it would answer all practical purposes if the model rules from the War Office, or such rules as might be thought expedient by the officers of a corps should be exhibited, and that the men on enlistment should be required to give their assent to those rules without their being called to take any part in devising them, or being entitled to take any part in amending them from time to time?—I think in the case where the men do not subscribe, if a code of rules were prepared for them they should be obliged or invited to submit to that code of rules and have no voice in the matter.

909. And as a matter of general policy you think that is a condition of things which would be acceded to by the men generally?—I think so; but I am afraid you cannot put every corps on the same basis, because some pay subscriptions and some do not.

910. You have heard it suggested this morning that the rules should be uniform throughout the kingdom?—I have.

911. And you do not concur?—Not entirely. I think the circumstances are varying.

912. Suppose money penalties have to be enforced is there any practical difficulty in recovering them in your experience?—Not in my personal experience; but other commanding officers have told me that the Summary Jurisdiction Act has somewhat taken away the power to recover penalties under the Volunteer Act; but I have not read the Summary Jurisdiction Act myself.

913. Is it that the prosecuting officer has to satisfy the magistrate as to the power of persons to pay a penalty that might be enforced?—I am not sufficiently familiar with the Summary Jurisdiction Act to be able to answer that point.

914. But you have heard as a matter of common rumour that there has been some greater difficulty experienced since the passing of the Summary Jurisdiction Act?—Much greater difficulty.

915. I will not press you further on that point. Have you anything to say on the point of the difficulty of receiving arms, stores, clothing, or any other property?—There is one point that I should like to call attention to, that is the formal demand; I think that that demand instead of being a personal demand might be a demand by post. You must deliver a notice according to the Act.

Chairman— continued.

916. "The demand may be by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or, if no such abode is known, by affixing the same at the orderly room of the corps or regiment to which he belongs or belonged, or at the place where notices relating to such corps or regiment are usually affixed." You think that that is too severe?—I think that the posting of a notice should be sufficient, instead of personal delivery.

917. But it is quite conceivable that men change their places of abode so frequently that they get beyond the knowledge of the postmen?—They do.

918. You think it fair that the men should have some reasonable opportunity of claiming a notice before proceeding to issue the warrant?—We have the alternative that if a man cannot be found you may post a notice in the orderly room; but I think notice by post should be as good as delivery by hand.

919. Do you attach much importance to that?—Not very much; I do not find any difficulty.

920. Is it a matter of frequent occurrence that arms and other property have to be demanded?—Very frequently. I have a printed notice quoting the sections of the Act.

921. Then, I think, dismissing that point, we may come to the question of exemption from local rates. You are at present exempt from such liability only in regard to the particular storehouses in which the arms entrusted to you have to be kept; is that so?—Not quite so; a volunteer regiment, within reasonable limits, is exempt from any rates whatever in respect of the whole of the premises on the ground of occupation for the purposes of the Crown.

922. Your action has been referred to, I think; will you tell us what I understand you relied upon, and relied upon successfully before the Court?—If I may I will put in a report taken from "The Times" Law Reports of a case which I carried up to the High Court of Queen's Bench on this question, and the judgment is given in this report (*handing in the report*). Volunteers occupying premises within reasonable limits for the purposes of the Crown were held to be exempt from all local rates and assessments.

923. Did that decision cover drill halls?—Yes.

924. Would that cover in your judgment drill halls that are let for purposes of revenue; let for entertainments, for example, or public meetings?—I am afraid not; I think that it becomes beneficial occupation if you let for profit.

925. Then do you make any suggestion that there should be any alterations in the law referring to that matter?—I think it very desirable that, notwithstanding that a corps may find it expedient

Chairman—continued.

expedient to let its drill hall for temporary purposes, it should not be liable for rates.

926. Even although the drill hall was a source of profit?—Providing that that profit went into the corps funds.

Sir *Henry Fletcher.*

927. Do you think there would be any means of carrying that out; I mean appropriating the benefit derived distinctly to the corps funds?—I think it would be very simply dealt with. I think the difficulty would be in getting Parliament to assent to it probably, there would be so much opposition.

928. I suppose now a great many of the drill halls are mainly kept up by the letting of them for other purposes?—A great many.

Mr. *Gourley.*

929. Have you a drill hall in connection with your regiment?—Yes.

930. Have you ever had your drill hall let for purposes of profit?—Never.

931. Do you think that where rates have to be paid they should be paid by the War Office?—I say that every drill hall, notwithstanding that it may be let for a temporary purpose, ought to be free from rating.

932. You do not think that a drill hall let for entertainment purposes ought to pay rates?—It is liable now; I do not think it ought to be.

Colonel *Howard Vincent.*

933. You are aware that the great majority of the Metropolitan corps have, thanks to the action you took, been exempt from rates?—Yes.

934. The only cases in which the drill halls are liable to rates is when they are lent for beneficial occupation?—Yes.

935. And you are aware that there would be great difficulty in getting exemption from rating through Parliament?—I am sure there would be.

936. There is no difficulty in the drill hall being lent at the present time?—I am afraid there is. There is the well known case of the adjutant's stable in the Hampshire Militia, which he lent, and it was held liable.

937. But the exemption from rates is held to be good as the result of your appeal to a higher court if it is solely used for Crown occupation?—Yes.

938. Notwithstanding that there may be a canteen or an officers' mess or a reading room?—All those were embraced in my case.

Sir *Edward Hill.*

939. If the drill hall were let for a bazaar for the benefit of a local hospital without any profit to the commanding officer or the regiment, do you think that then it would be liable for rates?—I am afraid that comes under the same head as the adjutant's stable.

Colonel *Howard Vincent.*

940. Do you remember the name of that case?—It is the Hampshire case; it is a well-known case.

Sir *Edward Hill.*

941. Would that render it liable in your opinion to taxes for the whole year?—I am afraid it would. Section 26 of the Act of 1863, which gives the exemption from rating, is given very baldly indeed, and that is evidently a very bald copy of the militia exemption. In the Militia Act of 1854, of which I have a copy, it is given very much more fully; and if the words in the Militia Act had been imported into the Volunteer Act in their entirety, I think it might have prevented any dispute.

942. Would you read the words?—After reciting that certain places must be provided for the militia store houses, it goes on to say: "Provided always that the place to be so hired, etc., shall contain an orderly and guard room and magazine, and a sufficient yard or place wherein the men may be mustered for the issue and return of such arms, accoutrements, clothing and other stores; provided also that it shall be at any time lawful for such Justices, if they think fit, to add to such buildings quarters for such number of the permanent staff as may appear to them desirable, and cells, together with such other conveniences as may be suitable for the custody and accommodation of the stores, and no place provided for the keeping of militia stores under this or the recited Acts, nor any buildings or premises appurtenant thereto, shall be liable to be assessed to any county, borough, parochial or other local rates or assessments." If that had been imported into the Act it would have been much clearer.

Sir *Arthur Hayter.*

943. Mr. Woodall wished me to ask you, in reference to the Military Lands Act, as to ranges; whether from your experience you think that any change in the law is needed?—The particular point upon which I wished to touch there was that land held by certain public bodies cannot be leased to a volunteer corps for a longer term than 21 years. That is manifestly too short. The land upon which my own quarters stand belongs to the Ecclesiastical Commissioners, and I was obliged to set up an intermediate body, a public company, to take the lease from the Commissioners and sub-lease it to the corps, because 21 years is far too short to erect buildings. Certain public bodies—the Commissioners of Woods, the Ecclesiastical Commissioners, and certain other public bodies—may not let for a longer term than 21 years. I think that is a restriction that ought to be removed if possible.

944. But that applies only to this Ecclesiastical Commissioners' land?—Certain public bodies, the Commissioners of Woods, land belonging to the Crown, the Chancellor and Council of the Duchy of Lancaster.

Sir *Henry Fletcher.*

945. You have mentioned the Ecclesiastical Commissioners; is any private individual tied down, and not able to give a longer lease than that?—No, a private individual can lease.

946. I suppose in the Metropolis most of the spaces or places which can be used for the purposes belong to corporate bodies?—Yes, they hold a large amount of land.

Sir *Henry Fletcher*—continued.

947. Private individuals have little?—Very little.

Mr. *Wason.*

948. I think you must have been mistaken in saying that the Ecclesiastical Commissioners have not power to lease for longer than 21 years; I hold land under them for 99 years?—It is mentioned in the Act (*handing it in*), also in the old Act. Section 36 of the Volunteer Act refers to it.

949. It is under the Military Lands Act?—The Military Lands Act of 1892 provides it.

Mr. *Gourley.*

950. Do you not think that the Government ought to take over and deal with the whole question of the ranges?—I think it very desirable that the Government should.

951. Make it a part of the national expenditure?—Yes, I think so.

Chairman.

952. Twenty-one years is the general term for which land may be leased by the public bodies for a public purpose?—That is so.

953. And I suppose that term is very usual?—Nobody would take a building lease upon it.

954. I do not know whether you have anything to say to the Committee beyond that point with regard to the Military Lands Act. Generally under that Act volunteer corps are enabled to acquire land for any military purpose?—Yes.

955. That land may be applied to ranges, or to the erection of any buildings that they may require?—Yes.

956. And they may borrow money with the approval of the Secretary of State for the laying out of such land, fencing it and so on, and putting buildings upon it?—Yes.

957. I do not know whether it has ever come under your notice that some difficulty has been felt, inasmuch as a corps acquiring land upon which there may be existing buildings can raise money on the security of the buildings existing, whereas they cannot borrow money for the purpose of erecting such buildings where none such exist?—You can borrow money on the land.

958. You can borrow money on the land, and the value of buildings already existing on the land when so purchased may be taken as security for the money to be loaned; but at the same time it is pleaded—I think I am right in saying so—in certain cases that power ought to be given to borrow upon the security of the buildings about to be erected and for the purpose of erecting such buildings, as well as for acquiring the buildings already existing?—I think so; and there is another section of the Military Lands Act empowering a commanding officer of volunteers to mortgage; it is an express power to mortgage; I thought that covered it.

959. But that is only a power to mortgage existing buildings on land?—I see.

960. You think it ought to be carried further so that they might borrow for the purpose of

Chairman—continued.

erecting a drill hall or other buildings?—I think so.

961. Is there any other point bearing upon the Military Lands Act?—Not upon that Act.

962. You think that this limitation of the term for which the land can be leased should be increased?—I think very largely increased.

963. I think you want to say something about the publication of Orders in Council relative to the requirement of efficiency in volunteers?—The Orders in Council being made in pursuance of the Act, it is very desirable that they should be published in this book of regulations up to date. There is an Order in Council in existence now, dated 1891, which is not in the regulations of 1893, as to artillery, as to the degree of efficiency required from artillery.

964. I am afraid that is rather a matter of administrative duty than one calling for legislation?—That is so; it arises out of the Act, but it is rather a matter of administration.

Colonel *Murray.*

965. Have you during your command assembled courts of inquiry in your regiment, and, if so, can you state generally on what subjects you have found it advisable to hold such courts?—I have never had a case during my tenure of the command, but I have previously when I was president of the court; it is a great many years ago. It is very seldom that a court of inquiry has to be assembled, and when assembled, it is only to inform the commanding officer if it affects a volunteer and not an officer.

966. Have you as a general rule held a court of inquiry before dismissing from the corps any volunteer for misconduct or disobedience?—I think it would be quite beyond the province of a court of inquiry to discharge a volunteer.

967. But before the discharge of a volunteer, to inquire into his misconduct or the cause of his proposed discharge?—I think if the circumstances were not known to the commanding officer he might well assemble a court of inquiry; but there is very seldom any necessity for it; he is generally well acquainted with the circumstances.

Chairman.

968. You do not recognise the right of either officer, non-commissioned officer, or man to demand a court of inquiry?—No, the power of the commanding officer is absolute, so far as the dismissal of the volunteer goes.

Colonel *Murray.*

969. And you think it should remain so?—Yes, I think it is most important; one of the most important provisions in the Volunteer Act.

Mr. *Gourley.*

970. Do you think that the regulations ought to be amended with regard to courts of inquiry?—No, I think it works very well.

971. You do not think that the commanding officers have too much power?—I should be sorry to see the power taken away. It is absolutely necessary that they should have it.

972. You have not heard of regiments being broken up by reason of the existence of this power?—I have not.

973. You

Mr. *Gourley*—continued.

973. You have not heard of a case at South Shields where a regiment was broken up on account of it?—Under the regulations, not under the statute law, they have a power of appeal through their captain and commanding officer to the general of the district, and even to the Commander-in-Chief.

974. You would not recommend any alteration?—Not in the law.

Chairman.

975. Then there is another point you desire to say something about with regard to the administration of the oath to officers and volunteers?—Under the head of officers and volunteers, at the beginning of the statute law, Section 6 of the Volunteer Act of 1863, the words are: "Every officer shall, on receiving his commission, and every volunteer shall, on his enrolment in the muster roll of his corps, or in either case as soon afterwards as may be, take the oath set forth in the Schedule to this Act" (giving the particular form) "to be administered by the lieutenant of the county to which the corps belongs, or by a deputy lieutenant or justice of the peace for the county, or by an officer of the corps who has taken such oath." I dwell upon the latter words because in my view it entirely debars a regular officer or a militia officer from administering the oath to a volunteer or volunteer officer. I never let my adjutant do it, because I believe it would be quite illegal. As a regular he has taken no oath, and therefore he has not complied with the statute. And I think, therefore, that those words ought to be amended in a future Act. A militiaman may be attested by a regular or a militia officer; and I think these words ought to be omitted in any revision of the law, "an officer of the corps who has taken such oath."

976. How would you amend it, then?—I would amend it on the lines of the Militia Act, that any regular or volunteer officer might administer the oath.

Chairman—continued.

977. Whether he has or has not taken the oath himself?—Yes. And if we place volunteer officers, as I hope we shall, under the Army Act, I presume that a volunteer officer equally with a regular or militia officer will not then be required to take an oath at all. And in connection with that the volunteer's enrolment paper contains words in the form of oath which are not in the Schedule to the Act, which I think it most essential should be altered. The part that I have underlined is not in the Schedule to the Act (*handing in the same*).

978. Do you think that the words you have underlined are open to any objection?—They are not in accordance with the Schedule to the Act, and are therefore quite illegal.

979. Is there any other point you would like to give evidence on?—I think that covers the whole of the agenda. I should like to say one thing. Some doubt has been expressed as to whether any amendment in the law would be binding upon present volunteers. In the rules of my own corps they are liable under the rules to the Act of 1863, and to any other Act by which it has been or shall be amended.

980. But the point, I think, turns upon whether a citizen soldier, so to speak, enlisted for certain contingencies could be held to be bound supposing the law to be altered so as to place him under military law, for example, and approximate his condition more nearly to military service; whether that would be, so far as his contract was concerned, so serious a deviation as to leave him at liberty to withdraw from that contract?—I should hold that in the case of my own corps it is absolutely binding.

981. But I suppose the difficulty would be met by the rule which enables the volunteers to retire by giving a fortnight's notice?—Yes.

982. And you think that would be ample?—Ample. I will put in the rules of my own corps if you will allow me (*handing in a copy of the rules*).

Thursday, 14*th June* 1894.

MEMBERS PRESENT:

Mr. Brown.	Colonel Murray.
Mr. Cubitt.	Sir Albert Rollit.
Mr. Munro Ferguson.	Mr. Stern.
Sir Henry Fletcher.	Colonel Howard Vincent.
Mr. Gourley.	Mr. Warner.
Sir Arthur Hayter.	Mr. Wason.
Sir Edward Hill.	Mr. Woodall.

MR. WILLIAM WOODALL IN THE CHAIR.

Colonel STANLEY G. BIRD, recalled; and further Examined.

Chairman.

983. IN giving your evidence on the 11th of June you were questioned particularly with regard to the liability of volunteers to serve on juries?—Yes.

984. And you gave the Committee some very interesting information as to what you had already done in negotiating, particularly, I think, with the Lord Chancellor, and you described certain figures which you had prepared bearing upon the question?—Yes. I will, if you please, put in the paper which is in my hand. It is to the effect that the number of enrolled volunteers in 1891, when I got the information, was 213,282, and of these 7,848 were officers, 15,000 non-commissioned officers, and 190,000 rank and file. Of the answers received, 104 commanding officers were in favour of exemption being extended to all ranks; 9 to officers and non-commissioned officers; 19 to officers only. It was calculated that about 25 per cent. of the officers would be exempted, and 25 per cent. of non-commissioned officers, and eight per cent. of the rank and file.

985. Have you anything further to say upon that subject?—No, not on that subject.

986. On any other?—You asked me the other day if I could say anything about the difficulties of finding officers for the volunteers, and I said then that I did not know of any reason. I did know one, but I was almost afraid to say it, because I think it is so revolutionary and radical that it might frighten some people; but if you will allow me I will state it. I think the only remedy would be to put the Militia Ballot Act into operation, you would then restore the volunteers to what they were originally in the old days, a great middle class force, and drive men into the militia; and then from the higher class volunteers you would be able to select your officers. To meet that, I would make the only ground of exemption from the militia service physical disability; or if they liked to pay the smart money (a very large sum, I think, ought to be paid), and that sum should be paid to the State and not to the man. Then further than that, I would reduce the grant to the volunteers, and make the force more self-supporting, as it ought to be, and as it was originally in the old days.

Chairman—continued.

987. The effect of that suggestion would be to make the service rather more obligatory and less voluntary?—It would; but that is the only way to fill up the ranks of the officers.

988. But you are aware, that although we naturally desire to hear any evidence that might bear on this subject, I have repeatedly laid it down that the question of the dearth of officers does not come within the reference?—No. I was asked the question and that is the only answer I can give to it.

Mr. FRANK THOMAS MARZIALS, called in; and Examined.

Chairman.

989. YOU are Assistant Accountant General at the War Office?—Yes.

990. And the administration of the Military Lands Act has been very largely in your branch?—That is so.

991. You are aware that there has been a great deal of evidence bearing particularly upon the powers given to volunteers under that Act to acquire land for head-quarters, for ranges, and for the erection of drill halls, and so on?—Yes.

Chairman—continued.

992. Are you able to inform the Committee what

Chairman—continued.

what has actually been done under the powers of that Act?—I think I had better give in a return showing the advances already made by the Public Works Loan Board; those which have been approved by the Secretary of State, but in which the correspondence with the Public Works Loan Commissioners is still going on; and also the number of applications which have been received, but have been either dropped by the corps themselves or not considered as coming within the scope of the Act.

993. You have prepared a return giving that information?—I have, and I will put it in (*handing in the same*).

994. Do you think that any particular advantage would be gained if the powers of that Act, so far as they affect volunteers, were incorporated with some general consolidating Act, as compared with the advantage which can be got under the Act as now framed?—I think not. The Military Lands Act of 1892, which is the Act under which loans are made at the present moment, is really a consolidation of previous Acts, and includes the provisions of the Ranges Act of 1891, which was purely a volunteer Act. It seems to me that it would be a mistake to revoke an Act so recently passed, and to go back and extract from that general Act, which relates to the purchase of all lands, the portion which relates to the volunteers. It seems to me, speaking as a layman, and not as a lawyer, that it is more convenient to have an Act in its present form, that is to say, to have one Act which deals with the whole question.

Sir *Henry Fletcher.*

995. Does the Act specify any term of years for which land can be applied for?—No; it specifies as regards the volunteers the number of years within which the repayment must be made, but it does not specify whether the land must be freehold or leasehold, or anything of that kind. That is left really to the discretion of the War Office and the Loan Commissioners.

996. Can the principal and interest be paid off by yearly instalments?—That is the arrangement, that the interest and principal must be repaid within a certain number of years, not exceeding 50.

Chairman.

997. "Every loan by the Public Works Loan Commissioners under this Act shall be repaid within a period not exceeding 50 years, and shall bear interest at a rate not less than 3½ per cent. per annum, or such other rate as may be fixed by a minute of the Treasury under Section 2 of the Public Works Loans Act, 1879"; that is the determining section?—That is so.

Mr. *Gourley.*

998. What is the amount already advanced?—I have not got here the exact total; somewhere about 14,000*l.*

999. Does that include advances for buildings, as well as for land?—We cannot, under the Act, advance money for buildings; the Act is a Lands Act, you can only purchase lands; but the Loan Commissioners consulted counsel, and the War Office consulted their solicitor, and the opinion was given by both, that the term

Mr. *Gourley*—continued.

"lands," as used in the Act, would include also any buildings already erected upon the lands. Thus a loan could be advanced for the purchase of the land, plus whatever was on the land at that time,—which might be a drill hall built in past times, or a building suitable for a drill hall; but for the purpose of the erection of buildings, there is no power to advance money.

1000. Who is responsible for the repayment of money borrowed by any corps from the Loan Commissioners?—There are three guarantees under the Act. There is first the guarantee of the property itself, or perhaps that ought to be called the second guarantee; the first guarantee is the Capitation Grant, earned annually by the corps.

1001. That is mortgaged?—That is mortgaged to that extent. If that fails, owing to the corps coming to an end, you come back to the security of the property itself.

1002. What if that fails?—Of course we have endeavoured to arrange that it shall not fail; that is to say, not to advance money beyond the absolute sale value of the property purchased; but in the event of that failing, the Act provides that the deficiency shall be provided out of funds voted by Parliament. But it would be the object of the Finance Department, naturally, so to arrange things that public funds ought never to be come upon, because the value of the property ought to be itself a sufficient guarantee.

1003. Is not the commanding officer himself responsible?—No.

1004. You never hold him responsible?—No, not personally, for this matter.

1005. Have you made any advances for land for ranges?—No advance has yet been made for any range.

1006. You said that a sum of 14,000*l.* has been advanced?—That has been advanced for the purchase of drill halls and drill grounds.

Sir *Edward Hill.*

1007. I understand you clearly to state that the commanding officer is not personally responsible?—The commanding officer, as I read the Act, is in no sense responsible. The wording of the Act is perfectly distinct: the money is advanced on the security of the capitation; then on the security of the land itself; and in the last resort upon the security of funds to be voted by Parliament.

1008. Money may be borrowed for the purpose of the purchase of a pure site with nothing on it?—Yes.

1009. Or borrowed for the purchase of a site on which a drill hall has been erected?—Yes.

1010. But it will not be lent for the purchase of a site on which it is proposed to erect a drill hall?—For the purchase of a site, but not for the erection of a building.

Sir *Albert Rollit.*

1011. But immediately after the building is erected, I suppose a further advance might be obtained on the increased value of the land and building?—That, I suppose, might be done; that case has not arisen; but if the corps had produced on the land purchased a building, and that building were sufficient security for a fur-

Sir *Albert Rollit*- continued.

ther advance, I imagine the advance could be made; but the case has not arisen.

1012. If that be correct, it would simplify matters to some extent, would it not?—It would unmistakeably. The corps might obtain the loan from some other source.

1013. Or a further charge from the same source?—They might obtain a loan from private sources to build the building, and then come to the Loan Commissioners and get an additional loan to pay the first loan off on the security of the building erected, which presumably would have for that purpose sufficient value to cover the second loan; but I am speaking here on a case that has not arisen.

1014. But that may tend to solve some of the difficulties?—I should think it might. But you will understand that as regards any buildings or sites for buildings, the War Office would be extremely careful not to advance beyond the sale value of the property; that is to say, not its value to the volunteers, but, supposing, they came to an end, its value in the market.

1015. They take the ordinary security of a mortgagee?—Yes; I am not sure to what extent that would be insisted upon in the case of a range; in the case of a range it would be quite possible to suppose that it would not have a particular value equal to what was advanced; it might have considerable value as a range, but it might be in pure moorland country. I think, very probably, the Secretary of State for War in such a case would not insist that there should be absolute security, apart from the capitation; he would consider, I think, that the public object was so important that some slight risk might be incurred of advancing money for the purchase beyond the actual selling value in the open market.

1016. Have you any rule at the War Office such as applies to ordinary mortgagees as to the proportion to be advanced of the total value?—No; there has been no rule to that effect, but there has been great care that local surveyors shall have given their opinion that, as a security, the property will be sufficient.

1017. Would you approve of an advance to the extent of the full amount of the sale value, or what proportion?—I think it has never come quite as close as that, but to the legitimate sale value, I think. You will understand that, inasmuch as a certain proportion of the loan is paid every year, the longer the corps remains in existence—if you can guarantee the corps remaining 10 years in existence, for instance—the property will keep presumably something like its present value, but there will be less remaining to pay off.

1018. Have any of the municipal authorities exercised that power of borrowing under the Military Lands Act?—So far as I know, none.

1019. Has any proposal ever reached you from any of them?—No, so far as I remember, none.

Mr. *Wason*.

1020. Do you think it desirable that the War Office should have power of advancing money for the erection of buildings on land?—I do not myself think so; I do not see how you could regard as a sufficient security a building to be

Mr. *Wason*—continued.

ultimately erected, not in view of sale, but of its use to volunteers.

1021. It is perfectly easy at present to evade the Act of Parliament in that respect, is it not?—We should not advance beyond the sale value.

1022. You told us that you had no rule in the office as to lending up to two-thirds or three-fourths of the full value?—No, there is not; I do not think we have ever advanced to the full value. Of course these cases are of very varying kinds; they are in various conditions in their circumstances; each would have to be considered on its own merits, and according to its own peculiar circumstances; to give a general rule is extremely difficult.

Sir *Albert Rollit*.

1023. But you are aware that what is your practice is more liberal than in the case of an ordinary mortgagee?—I think it is; we should be prepared, I think, to be somewhat more liberal.

Mr. *Munro Ferguson*.

1024. In the return you have handed in, has there been any money spent on the acquisition of ranges?—No. In one case an advance was sanctioned for the purpose of purchasing a range near Manchester; the Secretary of State did sanction that range, and the Loan Commissioners were authorised to make the advance: whether they would have made it when they came to inquire, I cannot tell you, but the thing fell through. It transpired afterwards that the range the corps wanted to purchase would have cost more than what they had asked us to advance, and the application has fallen through.

1025. Has there only been one application of that sort?—I think only one application in the case of ranges.

1026. In the case of ranges you do not make a free grant?—We make no grant whatever.

1027. But you are prepared to take risks?—We are prepared to take certain risks.

1028. Which might come to the same thing?—In the ultimate result it might come to the same thing; but looking forward to the time when all the volunteers of Manchester come to an end is looking forward a long time.

1029. Do you know anything of the circumstances under which application for advances have been made; does the application come from the local corps?—Certainly.

1030. Altogether?—Yes.

1031. The officers commanding districts or head-quarter staffs take no initiative in the matter?—No; that is left to the corps; but then the matter is of really such supreme importance to any volunteer corps that I think the initiative may rightly be so left; a range is like its lungs. It cannot exist very well without some sort of range.

1032. In a volunteer corps the different companies may disagree with one another as to where the range should be?—That is so, no doubt.

1033. At any rate, in the case of superior officers in command of districts, or at the Horse Guards, or at the head-quarter staff, none of these officers take any initiative?—They might suggest, but I think the official application should distinctly

Mr. *Munro Ferguson*—continued.

distinctly come from the officer commanding the volunteer corps itself.

Sir *Arthur Hayter.*

1034. Would you tell me, please, whether it is not the case that nothing in this Act affects the right of a volunteer corps to acquire or lease land for a rifle range?—Yes; I do not think that the Act touches the power of a volunteer corps at their own charges to lease a range.

1035. It is supplementary to that power; giving them additional power of acquiring land by purchase?—That is so; they possess the ordinary power, under the Volunteer Act, of leasing land or a range.

1036. This limitation of leasing to 21 years is limited to Crown land; public land?—Yes.

1037. In regard to the disbandment of a corps, when the corps is disbanded the land reverts to the Secretary of State, does it not?—That is so. Under the Act, land purchased by a volunteer corps would revert to the Secretary of State.

1038. And he would pay the loan that they had raised?—That is so; out of funds advanced by Parliament, probably on the Army votes, he would refund whatever balance was due on the land, and not paid at the time of the disbandment, the land becoming his possession at that time; and, if not wanted for Army purposes, it would be saleable, to reproduce the amount advanced.

Sir *Arthur Hayter*—continued.

Sir *Edward Hill.*

1039. But supposing there were a surplus, supposing the cost of a range were 1,000*l.* and the volunteer corps paid off 500*l.*, and then disbanded?—The Act does not provide for that. I really do not know what would happen; so far as the Act is concerned, there is nothing provided for that case, but I do not suppose that the Secretary of State would collar the money if there were any other debts on the corps.

Mr. *Munro Ferguson.*

1040. Have you any figures to show the number of ranges that have been closed during the last 10 years?—No.

1041. Could it be possible to have that?—Yes; volunteer ranges, do you mean?

1042. All ranges?—Yes, I think such a return could be furnished, and will ask that it be furnished for the Committee.

Major R. M. RUCK, R.E., called in; and Examined.

Chairman.

1043. You are Inspector of Submarine Defences?—Yes; I have been so for the last three years; before that I was Assistant-inspector for five years.

1044. And you will be able to explain to the Committee how far you have been able to secure the co-operation of the volunteers in that important work?—Yes, but I think I should first explain that we have had rather special facilities for investigating volunteer and militia conditions, because in the last eight or nine years we have formed various volunteer and militia corps for submarine mining defence, and we have organised them on rather different lines from the ordinary conditions.

1045. When was the first corps of volunteer engineers charged with any duty of this kind?—In 1885; but previous to that the matter was investigated by the Volunteer Committee of 1879, and Sir Lintorn Simmons gave evidence before that Committee, and recommended the formation of these corps. I think that the first proposal came from the Tyne Volunteers.

1046. And was the first experiment tried on the Tyne?—The first trials were made on the Tyne, Clyde, and Mersey.

1047. At what rate was the system extended to other ports and harbours?—There were single companies formed in four stations to start with, and they were gradually extended in about four years' time to 9 stations, the number of men at the present time is from two to three companies at each station.

1048. At every important harbour?—Every important commercial port in England.

Chairman—continued.

1049. The Mersey included?—Yes, the Mersey included.

1050. In what respect is the duty required from these Volunteer Engineer Corps different from those of the artillery and rifle battalions?—It differs chiefly in the amount of work required from them.

1051. It is of a more constant nature?—The duties are more arduous, and, as a rule, more highly skilled.

1052. And requiring greater continuity of service?—Yes, greater continuity of service and a greater attendance at drills.

1053. And a higher degree of intelligence and training shall we say?—Well, I think generally speaking in all volunteer corps you meet with a certain proportion of men of high intelligence; I should say that the submarine mining volunteers were rather higher, being more of the description of mechanics; I should say a greater percentage, on the whole, of highly skilled men.

1054. You have had to draw on a class of men who have had some sort of training as artificers or mechanics?—They consist of two classes. The first class is the artizan or mechanic class; they do all the mechanical work, and are chiefly engine drivers, fitters and electricians; we get a certain proportion of electricians, chiefly from the post office, and then we want another class, from a third to a-half, who are seamen, or belong to the seafaring population. It is a curious combination which is difficult to get, so we have had to give great latitude to the conditions of service.

Chairman—continued.

1055. What is the particular way in which you have extended that?—Quite recently, within the last two years, we tried a system of instruction on whole and half days, partly instead of hourly drills, because we found we did not derive as much benefit from hourly drills as we wished to. We wished to get all the men out for submarine mining operations for more than an hour at a time; it is impossible to get work done on the water in that short time; and so we developed this system of whole and half-days. In order to do this we found it necessary to give certain money allowances. It could not be done by the men voluntarily; so we have developed a more highly paid force than any other volunteer corps; and at the same time we endeavour to keep up a voluntary spirit.

1056. Have you to extend any large measure of indulgence as to punctuality of attendance?—No, we find that they fulfil the conditions under our regulations very well; but I think it would have been utterly impossible under the ordinary volunteer regulations.

1057. References have been made here to the special rather exceptional experience of the Humber; can you tell the Committee what has happened there?—The Humber was originally a volunteer corps, and it carried out its duties very fairly well, but there were some considerable difficulties. The first was that there was great wastage; the number of volunteers who left during one year was too great to get an efficient corps; it was about 30 per cent.; and so we found, as a matter of fact, that the efficiency did not increase as it should have done. That was one difficulty. Then there was another difficulty, due to the local conditions of the place, that is, the work had to be carried on five miles away from Hull, where the men lived. A third difficulty was the question of officering the corps. A fourth difficulty was a deficiency of seafaring men; we got very good artisans and mechanics there, but the seafaring men were not attracted under the volunteer regulations at that time.

1058. Were you not able to enlist the fishermen?—No. But I was going to explain that with the adoption of these new regulations which we have now tried for two years, the Tyne and the Forth Divisions have enlisted fishermen. The commanding officer of the Tyne Division obtained his men from the village of Cullercoats near North Shields, and I understand that nearly all the able-bodied fishermen are quite willing to join. As a matter of fact he got 50 of them; I am going to see them next week, and I believe they are exceptionally fit in every way.

1059. But there is a corresponding population within and around Hull, is there not?—No, I think there are no large fishing villages near Hull. We then converted the volunteer into militia conditions, and we at once filled up the establishment with officers who have all been through the schools of instruction, I think without exception, and got their certificates; and we also attracted some of the seafaring class.

1060. Will you explain to the Committee what would be the effect of the change from a volunteer corps to a militia corps?—It would

Chairman—continued.

obtain officers; we have no difficulty in obtaining submarine mining militia officers, in fact, the supply exceeds the demand; and it would obtain seafaring men; but we should not obtain such good mechanics.

1061. Why?—They will not come in under the militia conditions. We should obtain our full establishment of officers and seafaring men, but we should suffer as regards the mechanic class, the good artisan, the engine driver, and the electrician.

1062. Then the advantage has not been entirely one of gain by the conversion?—Not entirely; but it has been very considerable, and there is a system now being introduced where militia are organised, of drafting men into the Army Reserve, taking civilians after two months probation and drafting them straight into the Army Reserve; also we can take the best qualified militia and draft them into the Army Reserve. In that way we hope to attract a superior class of tradesmen. We have only established that system about two years, and so far we have not got many tradesmen, but a very superior class of seafaring men at some stations.

1063. Will you tell the Committee what is the general outcome of the experiments there; has it been sufficiently satisfactory to encourage you to look favourably upon its extension to other ports?—No, I would not suggest altering the other volunteer divisions. I should say that it has answered satisfactorily at Hull; it is a distinct benefit in that place, and the work is better done. But there are certain advantages about volunteers (I have already given them) which render it undesirable to alter the existing volunteer divisions. I think it extremely important at the mercantile ports that we should get a high proportion of these mechanics; it does not so much matter at the military ports, because we have a greater number of regulars who are mechanics and trained for special duties; but at the mercantile ports it is considered that we should be able to carry on our duties without so large a proportion of regulars, in order to reduce the expenditure.

1064. Under the Volunteer Act, a volunteer corps can only be called out for actual service in the case of actual or apprehended invasion of any part of the United Kingdom?—Yes.

1065. Do you think that that is sufficient, or would be sufficient in conceivable circumstances where the services of these men might be required?—No. I think in the case of all corps, who are to man our coast defences, it is insufficient, because these men may have to be called out at the outbreak of war, or even previous to it.

1066. Other terms have been suggested by different witnesses, "times of great emergency," "great national danger," "imminent national danger," and so on; could you suggest to the Committee the particular condition of things in which they might be called out for actual service?—No doubt "time of emergency" would be a good term, but I think it might possibly be somewhat confusing, because it might

Chairman—continued.

might induce the volunteers to think that it might mean a civil emergency as well as a military one. If I might suggest a term (I do it with some amount of diffidence), I think that "actual military necessity" would be a good term. That would bring in the military requirement, and not the civil.

1067. You think it is very important to guard against the apprehension as well as the possibility of volunteers being called upon to serve in the event of civil disturbance?—I think so decidedly.

1068. And do you think in saying this that you reflect the general opinion of those who are serving as volunteers?—I think so, as far as I can judge.

1069. Would you explain to us the circumstances under which it might be expedient to call up for actual military service the men engaged in the submarine defences?—I think the circumstances are applicable to the artillery volunteers as well who are told off on mobilisation for the defence of our ports. In case of war with any maritime power it is quite possible that the guns would have to be manned and the mines laid at the outbreak, and I think there should be powers to do this within 24 hours of the actual military necessity. Under present conditions we might possibly have done it by calling out the volunteers nominally for whole-day drills if it were an absolute necessity; but it would be much better to have it legalised.

1070. It has been suggested that the services of the artillery volunteers might be required very early indeed in the event of apprehension of danger?—That is so.

1071. Would you say that perhaps the very earliest defences which could be put in an effective condition might be those that are in your charge?—Yes; but I should put the artillery on the same footing.

1072. All the forts should be thoroughly manned and the submarine defences put in an effective condition?—Yes.

1073. Is there anything further you have to say?—Not on that point.

Sir *Albert Rollit.*

1074. Do you consider, from your experience, that there is any need of any special, any distinctive, organisation of the submarine mining and garrison artillery forces at the ports?—I think not.

1075. Would you subject such volunteers to any special requirements or conditions as to calling out or otherwise; I mean, do you consider that volunteers entrusted with submarine mining at the ports, and garrison artillery at the ports, should be under any more express or heavier conditions as to calling out than other volunteers?—No; I think it desirable that the same power should be given to call out all volunteers, all corps, or part of them.

1076. Have you found the volunteer submarine miners practically useful for defensive purposes?—Distinctly; the efficiency in the majority of cases is quite as good as one could look for.

Sir *Albert Rollit*—continued.

1077. Do you attribute that at all to the fact that many of them are working with the coast brigade and the regular troops?—I think that has a decided effect. I think where you can combine the regular and volunteer forces you naturally get the body much strengthened.

1078. I understand you to say that it is necessary to subject, at any rate, submarine miners to longer and more special training?—That is so.

1079. And in consideration of that you have made some money allowances?—We have.

1080. You have also always given a very liberal capitation grant, namely, 5*l.*?—Yes.

1081. Do not you think that that distinctly high capitation grant has contributed very much to efficiency, and also to your obtaining the services you required?—I have no doubt at all that if you want to increase the efficiency of volunteers beyond what it is at present in any way you must pay for it.

1082. And therefore I may take it that the experience of these submarine mining corps, with a capitation grant of 5*l.*, leads you to the conclusion that that indicates the line on which the volunteers generally may be improved?—I think certainly it would be desirable that the capitation grant should cover all the necessary expenditure. I think that the improvement in efficiency would be considerable.

1083. Has not the result of that been to prevent either officers or men incurring that personal expenditure which other volunteers are subjected to?—Yes, I think that is the case; but I should rather like to be asked about the question of officering the volunteers.

1084. I will come to that in a moment; has there been, and is there, a dearth of officers in the volunteer submarine miners?—Yes, I think the dearth is very similar to that throughout the volunteer corps; it is about 20 to 25 per cent.

1085. What do you attribute that to?—I cannot attribute it altogether to financial reasons, because these corps have a greater capitation grant, and no doubt the expenses of the officers are therefore less

1086. So far that experience is useful, as indicating that the dearth of officers is not wholly a question of expense?—No, I do not think it is entirely a question of expense; I rather think it is known that more and more time will be required from the volunteer officer. Of course from the regular officers very much more is required now than was the case 15 or 20 years ago; and it must be the same with the volunteers, and therefore some of the best men will not join the volunteer corps now because they know they cannot give the time to make themselves really efficient.

1087. You think it is chiefly then a question of time and training?—I think that is one reason. I think the financial reason presses also to a certain extent, more especially in bad business times. I think the question of uniform is an important one with some men who would make good officers. Then I think there is another point which has been mentioned to me by some volunteer officers, and that is that the recreation of young

Sir *Albert Rollit*—continued.

fellows nowadays takes up a great deal more time than it used to formerly.

1088. Have you found that the money allowances practically reduce the difficulties of obtaining the men?—Undoubtedly; that makes all the difference.

1089. Would you say also, with reference to the volunteers generally, that it might be desirable to pay actual expenditure out of pocket by making allowances with a view to efficiency of the force?—I have no doubt you would increase the efficiency of the force by increasing the allowances; as far as I can judge the men put in the greatest amount of voluntary drill that they can.

1090. Is not the difficulty of obtaining the fishermen due to the fact that they must follow their calling till about October?—You must have them out at certain specified times in the year, and for continuous periods.

1091. When unemployed in fishing?—Yes.

1092. Have you any suggestion to make with reference to the officers of submarine mining corps as to how you would deal with them?—Yes; I put it forward with a certain amount of diffidence because it is a rather new departure, but I have just explained to the Committee that we have a difficulty in getting volunteer officers, and there is no difficulty in getting militia officers, in fact the supply exceeds the demand; therefore I should like to see it possible to officer these volunteers with officers serving under militia conditions; I feel sure then that we should get good officers.

1093. As a matter of fact, you do get the officers, and they find the conditions not too onerous, even the militia?—Certainly; and I think it can be done without an alteration in the Act, but that is a question for the consideration of the Committee.

1094. I think, as a matter of fact, you do not allow submarine mining officers, even in the militia, to go direct into the regular army?—No.

1095. Is that owing to the cost of training in the militia?—No officer from the militia can go straight into the Royal Engineers.

1096. Do you think it would be desirable to encourage volunteer officers by offering them commissions in the same way as they are offered to the militia; would it have that effect?—I am rather doubtful.

1097. In other words, when you have got them trained for the volunteers, I suppose you do not care to lose them?—I do not think the officers who go into the volunteers at the present time are seeking the army as a profession; they have professions of their own.

1098. But would you reduce the dearth of officers by bringing in a class who would be likely to do what I have said?—Yes; that is possible. You might get a number of young fellows who had failed for the army; it is probable that they would join the volunteers under those conditions.

1099. Do you find that such skilled corps as these, giving scientific instruction and so on, are generally beneficial to the community, apart from their military value?—Yes, I have got a strong opinion on that point, I think they are; they encourage military, physical, and scientific education.

Sir *Albert Rollit*—continued.

1100. And am I right in saying that now the submarine mining corps, volunteers and militia, are absolutely essential to the present system of defence in the country?—Distinctly. If it was not for them we should have to have a very much larger number of regulars; and, as the price of a regular soldier is 80*l.*, and of a volunteer 10*l.* or 12*l.*, the cost would be very much greater.

1101. And they do efficient service?—Yes; as we have organised them at present the combined body does very efficient service.

1102. Does that lead you to the conclusion that the more you associate volunteers permanently, say, with the coast brigade of the Royal Engineers, that is a very good thing indeed for the volunteers?—Yes; the more you increase the facility for camps of instruction.

1103. I do not mean merely a week in camp or at Aldershot, but I mean the more continuously you associate them with detachments of regulars the better for them?—I think so decidedly.

1104. And the number of coast brigade men of the Royal Engineers is eight or ten?—About twenty.

1105. And that has a beneficial effect, these small detachments being constantly associated with volunteers?—Yes; I should say it decidedly improves the military status of the body.

Mr. *Gourley*.

1106. Is it not a fact that the men told off for this work at the time are mainly composed of engineers?—I think, at the present time, two-thirds of them are mechanics, and the other third are of the boating or fishing class.

1107. Not first-class engineers?—From the fishing class.

1108. What pay do these men get when engaged on duty?—They get 5*s.* a day.

1109. What do they do on duty?—They have got partly mechanical duty such as the shore work connected with mining, fitting up the apparatus, partly electric duties, and partly duties on the water such as laying out mines and picking them up, seafaring duties.

1110. Have you any torpedo boat force?—No, we have no torpedo boats. That is a Naval force.

1111. How was it that the War Office converted the Humber corps into a militia corps instead of volunteers?—There were special reasons in the case of the Humber. I think I told the Chairman that first of all the establishment, the place where they work, is five miles away from Hull where the volunteers live.

1112. Are the men in connection with the Humber brought out for annual training in the same way that the other militia corps are brought out, or do they work under different conditions?—They work under the same conditions as the other militia corps; that is, they are called out for 55 days' training in the year.

Sir *Edward Hill*.

1113. No doubt you are aware of the general disposition of the various means of defence, and that the forts in our principal seaports are very largely

Sir *Edward Hill*—continued.

largely left to be manned by the artillery of the auxiliary forces?—Yes; I think in the proportion of about three or four to one.

1114. And you would be able to conceive of circumstances when the country would be largely denuded of the regular forces and the militia, but when it could hardly be said that there was an immediate apprehension of invasion; still it would be undesirable to suggest one to the enemy by leaving the forts unguarded?—Yes.

1115. Therefore in order to cover such an emergency as that you suggest the words "actual military necessity"?—Yes, I think that would cover it.

1116. And enable Her Majesty to take advantage of the services of a portion of the volunteers, such portion as may appear to be required for the particular locality?—Yes.

1117. Before your Capitation Grant to the Submarine Miners was what it is, and when you were unable to give them the *5s.*, you had great difficulty in getting attendances from the men?—We were able from the first to give them *5s.* a day for the camp.

1118. But not for the ordinary drills?—No. We had a system then of allowing a certain proportion of the men, in fact nearly all the men could go to some of these schools of instruction, Chatham, Portsmouth, and Plymouth, for a two months' course, during which time they got this allowance of *5s.*; but we found, as a matter of fact, that the best men could not spare the time to go for the two months, whereas they can spare whole days occasionally; so that instead of having this central instruction, we have decentralised it, and made it local instruction; and then we get the men for these whole days.

1119. Without the *5s.* you would find considerable difficulty in securing that?—It would be impossible, no doubt.

1120. Could you tell me the average number of drills per annum that they attend?—I can tell you in one year; this was the year 1890–91. I think this is the average of nine divisions; they attended 47 hourly drills and 23 whole-day drills. To a considerable extent the whole-day drills were attended by the men who were sent to schools of instruction for the two months.

1121. Does the *5s.* apply to all those drills?—They got the *5s.* for all the whole-day drills, but not the hourly drills; the two figures represent the paid and the unpaid drills.

1122. As to the dearth of officers, I understand your evidence to indicate that you attribute that very largely to the want of sufficient military status in the volunteer corps?—I attribute it chiefly to the want of time necessary to carry on these special duties, but I think the status has a great deal to do with it. I think that is very clearly evidenced. Lord Harris was chairman of a Committee in 1887 on these divisions, and the volunteer officers gave very distinct evidence about that point; I think they were almost unanimous in asking that they should come under the militia conditions on account of the improved status.

1123 Then you would approve of placing the volunteers under the Army Act?—I should, certainly, for all the time they are in training,

Sir *Edward Hill*—continued.

for any continuous period; but I am a little doubtful for the fragmentary periods of an hour or anything of that kind; I think there might be some difficulty in carrying it out.

1124. You would not put them on all occasions that they are under arms under the Army Act?—No, I do not think I should carry it out to the greatest possible extent; I do not think I should be inclined to carry it out as regards these hourly drills.

1125. Then you are in favour of lifting the volunteer officers nearer to the regular officer, and giving them some special opportunities of gaining commissions much on the same terms as the militia?—Yes, I should say distinctly the more you can associate the regulars, the militia, and the volunteer officers, the better for the country.

1126. And the more attractive it would be to the officer class?—Yes; and this suggestion that these corps might be officered by officers under militia conditions would tend very greatly in that direction. I might say that I think it is possible under Section 71 of the Army Act which states that the Queen may make regulations as to the persons to exercise command over any part of Her Forces, and as a matter of fact, one knows that volunteer officers are frequently employed with militia, and it is recognised in the regulations and allowances that are paid; so I do not think that there could be any law against the converse taking place.

Chairman.

1127. Do you think you can make it clear to the Committee as to what is the difference in the status and position of militia officers and volunteer officers, particularly on this point, that would make one more attractive than the other?—That is a very difficult question to answer; the name and traditions have, I think, a great deal to do with it. The militia is more intimately associated with the regulars than the volunteers have been up to the present time.

1128. More associated with the national traditions and historic associations?—Yes.

1129. Is it the fact that until very recently the officers of the militia have been drawn mainly from Ireland?—I cannot answer that.

Mr. *Wason.*

1130. Is it not the fact that there is a great dearth of officers in the militia as well as in the volunteers at the present time?—I believe there is.

1131. As large?—I cannot answer. I know there is a considerable dearth.

Sir *Albert Rollit.*

1132. Not in the submarine mining branch?—No, we offer special conditions.

1133. And those special conditions account for the difference?—Yes, I think they do. If you increased the amount of pay for the militia officers, I believe it would be possible to increase their numbers; it is largely, I think, a question of money; and if you reduced your strength of volunteers, I think it would be quite possible to get a very efficient body of officers for the volunteers with the saving so effected.

Sir *Albert Rollit*—continued.

1134. And many of these submarine mining officers are employed the whole year round with different corps as instructors?—No, not the whole year round, they get three or four months' employment frequently, and that no doubt is a great attraction.

Mr. *Warner.*

1135. I want to ask you a question relating to the difference between the militia officers and volunteer officers; there are real differences as well as the traditions of the militia and the volunteers; in the first place, the militia officer is under the Army Act the whole year round?—Yes.

1136. Do you recommend that for the volunteer officers?—Yes, I should distinctly. I think it would improve their status.

1137. Then there is another point of difference, and that is the pay; the pay is different?—The volunteer officer has no pay.

1138. But in your special branch the volunteer officer is paid, is he not?—He has no pay, but he has allowances.

1139. Do his allowances equal the pay of the militia officer?—Not quite.

1140. Because the militia officer has allowances as well?—Yes, each volunteer officer in our special branch is paid 10*s.* a day.

1141. Is that all ranks?—All ranks are paid the same.

1142. That is considerably less than the militia officer?—I think the average pay of the militia officer would be something like 17*s.* or 18*s.* a day, including everything. What we reckon in figures, which I have forwarded officially, is that a militia officer costs 65*l.* a year, and a volunteer officer costs 20*l.*

1143. It has been suggested that you would get more officers by commissions in the Army being given to volunteers; but that would not apply to your special branch, because officers who only get two or even three years in the submarine mining would be of very little use?—That is perfectly true; we should rather discourage those officers joining.

1144. I suppose in the case where you turned the volunteers into the militia, the expense was considerably increased in other things besides officers?—The average price of a militia submarine miner is 17*l.*; the average price of a volunteer submarine miner was 14*l.*; it is now 12*l.* under the new conditions; it was at that time 14*l.* The conversion was not attended with increase of expenditure, as the strength of the militia division is less than the old volunteer division.

1145. But you said a little while ago that the volunteer cost 10*l.*, as opposed to the regular 80*l.*?—I said 10*l.* or 12*l.*; the latter figure is more accurate.

1146. But you say now, 14*l.*?—No, I say 12*l.*; 14*l.* was under the old conditions. Now we have revised our conditions and it is 12*l.*

1147. You mentioned speaking of the average time employed, that there were 47 hourly drills, and 23 whole-day drills?—Yes.

1148. But that was under the old system when you sent men to schools of instruction, I think?—Yes.

Mr. *Warner*—continued.

1149. Is it about the same average that is continued now?—We have had only one year's experience, and that is in three divisions, and I should think the number of whole-day drills will be somewhat reduced. I cannot give you the precise figures, but I should say it will be somewhat reduced.

1150. I suppose, under your old system, some men got more whole-day drills than was necessary, and some went without them altogether?—Yes, that was very much the reason why the conditions were altered.

1151. At the present time you expect to get every man sufficiently drilled?—Yes, but there is a certain limit to the allowance for whole-day drills, that is the sum of 30*s.*

Sir *Edward Hill.*

1152. A man may not get more than 30*s.* a year?—A man may get 5*l.*, but on an average the corps may not get more than 30*s.*, which is the average allowance for each man; that is to say, on your establishment you may get 30*s.* for each man to be spent in whole and half-day drills, but no man may draw more than 5*l.*

1153. Suppose that you had a company of 80 men, you would have 120*l.*, of which the commanding officer of that company may spend 5*l.* a head, as far as the money will go?—Yes, but for the sake of the efficiency of his division he would not spend it in this way.

Mr. *Warner.*

1154. You say that the dearth of officers is owing to the time they have to give to these things; but you say that in converting a volunteer regiment into a militia regiment you have plenty of officers at once; surely the militia officer has to give a great deal more time than the volunteer officer?—The answer to that is that we attract a different class of officer. I think there are three classes of men that you ought to endeavour to get into the auxiliary forces as officers. The first is the man of leisure and means who has military tastes; the second is the professional man, who is a man of great energy, and who combines two professions. And the third is the young fellow who has got a little money, who is waiting for something to do, or somebody to die, and likes to put in some military service.

Colonel *Murray.*

1155. Does the militia officer give much more time than the volunteer to these duties?—We now expect the militia officer to be out in training 55 days continuously: that would be prohibitive to the professional man.

1156. And that would be more than the volunteers?—Yes; but under the proposal that I have made, that we should have officers of volunteer divisions under militia conditions, I should propose a modification of the usual militia conditions. That is, I would render it possible for the officers not to have to put in two months continuously, but to put in, perhaps, three weeks continuously, and then to spread the rest over whole days; I think it would be possible for the professional man to join under such conditions as these.

1157. That

Mr. *Warner.*

1157. That would refer to submarine miners only?—I do not wish to say that I know very much about other branches. I believe it would be a satisfactory system to apply to submarine miners; whether it could be applied more generally I do not know; I think it would be well worth the experiment.

1158. You think that the volunteer garrison artillery should be as far as possible given the advantage that the submarine miners have?—Yes, I think they should be treated in much the same way, but I have no special knowledge of the volunteer artillery.

Sir *Edward Hill.*

1159. Given the 5*s.*?—I am not quite sure whether we do not give more than is absolutely necessary to attract the artillery; and the same amount of training would not be necessary, because there is not quite such an amount of technical knoweldge required as a rule.

Colonel *Murray.*

1160. Is there much promotion from the rank of non-commissioned officer to the rank of officer in your branch?—As far as I can judge, very little indeed.

1161. Would that help to get over the difficulty that has been mentioned of the dearth of officers?—I do not think it would. I do not think there are, as a rule, serving in the ranks very many of that particular class whom it would be desirable to promote to be officers.

Mr. *Brown.*

1162. You are conversant with the port of Liverpool?—I am.

1163. I do not exactly understand why in the port of Liverpool the volunteer conditions act successfully, whereas in the port of the Humber you say that they have failed, and you adopted the militia conditions. What is the difference. We have got more of the boating class at Liverpool; I suppose there is a larger population who live on the water, but the difficulties of the training are somewhat allied?—But the principal difficulty is that of getting a sufficient number of seafaring men; we found that easier at Liverpool than at Hull.

1164. What you said about the whole-day training would apply to Liverpool as much as it would at Hull?—Yes.

1165. And do not you think that something of that sort should be done, if it could be arranged, to have the men, a portion of them, down to the mouth of the river for a day at the time?—We do arrange it now under the new conditions; since the Hull Division was converted we have modified our conditions, and made it possible for volunteers to attend these whole-day drills.

Mr. *Warner.*

1166. How many men are there in the volunteer submarine corps?—About 1,200; the establishment 1,309, and the efficients 1,203. That is excluding the Humber.

Sir *Albert Rollit.*

1167. The distinctive differences between the volunteer submarine miners and other volunteers

Sir *Albert Rollit*—continued.

are really allowances to officers and men and higher capitation, coupled with some more training?—Yes, greater allowances. Of course allowances are made to other branches.

1168. But I mean the allowances of the 10*s.*?—Yes.

1169. That is the distinctive difference?—Yes.

1170. I suppose that allowance would only recoup the officers for actual expenditure, and the men as well?—I am not aware that it does recoup.

1171. But it tends towards that point?—Yes.

1172. That again is a distinctive difference?—Yes.

1173. In other respects is there not greater assimilation of the character and conditions of the service of submarine mining volunteers to the Army?—I should say as far as my experience goes it was so.

1174. Does not that lead to the conclusion that those same conditions put in force in relation to other volunteers would have an improving effect; do you not think so from your experience?—Undoubtedly. Of course the difficulty is the money question.

1175. And you think it possible to accommodate the conditions of militia service on the part of the officers to their ordinary avocations, and so to their volunteering by half day's and day's drills instead of a continuous month's drill?—Yes.

1176. So that all that is possible under the existing law, and may be a means of improving the general body of volunteers, if applied to them?—I think so, as far as I can judge.

Mr. *Gourley.*

1177. Do not you think that the men of the Naval Reserve ought to be utilised for some of these purposes?—They are appropriated for naval purposes on the outbreak of war.

1178. If the Royal Naval Reserve were utilised it would dispense with some of the submarine corps, would it not?—I have always understood from naval officers that they have got too few men as it is, even after calling up the Naval Reserves.

Sir *Arthur Hayter.*

1179. Have you had any cases of accidents for which compensation has been claimed by the men?—As regards volunteers only I cannot call to mind any; we have had accidents, but I cannot call to mind any case of compensation; we have had no bad accidents I am glad to say.

1180. You do not advocate any change of the regulations?—It is entirely in the hands of the Secretary of State, as far as I can read the regulations at the present time.

1181. Do I understand you to advocate the placing of all officers of the volunteers under martial law for the whole year and not the men?—Yes, I think that is the conclusion I have arrived at, that it would be a good thing

1182. And do you advocate any change in the law as regards men?—It should be under the Army Act, not under martial law. I think it would be a good thing if the men during all their times of camping, or for any lengthened period of training,

Sir *Arthur Hayter*—continued.

were placed under the Army Act. Not that the discipline is bad; I think it is good.

1183. Take the case of a general inspection, would you have them placed under the Army Act?—I do not think it is necessary for single days; it is not essential.

1184. When the men are out for several days?—Yes.

Sir *Albert Rollit.*

1185. As a matter of fact the Volunteer Submarine Miners are generally under the Army Act because they are co-operating with the Coast Brigade?—Curiously enough at the present time they are not though working with the regulars, the decision being that the regulars of the coast battalion were to be considered as instructors. Several of the commanding officers have told me that their men understood that they were under military law though they were not.

Chairman.] We thank you for your evidence, so much of which, and perhaps the most interesting part, is rather for the consideration of the Secretary of State for War than a matter to be dealt with in a report of this Committee.

Lieutenant Colonel J. B. SUTHERLAND, called in; and Examined.

Chairman.

1186. YOU command the Queen's Rifle Volunteer Brigade, the Royal Scots?—That is so.

1187. And you are here to-day as the representative of the East of Scotland Tactical Society?—Yes.

1188. I daresay you will be aware that the range of reference with which this Committee has to deal excludes a great many subjects which are of particular interest to volunteers and which have engaged the attention of the Tactical Society?—Yes.

1189. We of course can only deal with those matters distinctly confided to us by the Parliamentary instruction. I am glad to find that in the précis of evidence which you have submitted to me there are a good many subjects on which we should be very glad indeed to have your opinion. You think that the time has come for a consolidation of the various Acts affecting volunteers?—Yes, I do; and I think that is the general impression.

1190. Can you point to any inconvenience arising from the variety of statutes under which you are governed at the present time?—Yes, the Act of 1863 has rather outlived the conditions of the force, and there are a number of statutes which require to be referred to in order to enforce your penalties, and recover your penalties, which we think might very well be embraced in one Act; for instance the Act of 1845, the Railways Clauses Consolidation Act, requires to be referred to in regard to the enforcement of penalties under the Act of 1863; and then there is the Act of 1864, the Summary Procedure (Scotland) Act, which has also to be invoked before you can recover these penalties; then there is the Act of 1892, the Military Lands Act, which we think might have the clauses embraced in the general statute; and there is the Act of 1871, which is the Regulation of Forces Act, regarding the aquisition of land by volunteer corps, for making drill sheds and so-forth; that Act has been repealed by the Act of 1892, but the provisions might probably be amended in a new amending Act.

1191. Did you mention the Artillery and Rifle Range Act, 1885?—No, I did not; my acquaintance with the Acts is mostly confined to the infantry or rifle department in the volunteers.

1192. But you think that it would be generally convenient as bringing it more within the intelligent comprehension of those who have had to administer these Acts, that they should be codified?—I think so, and also bringing the Acts more into harmony with the present conditions of the force.

Chairman—continued.

1193. But you think that in such consolidation there should be amendments affecting what we may call the essential principles of the Act of 1863?—Personally, and I speak generally the views of the society which I represent, we are not prepared to adopt any alteration of the conditions under which the volunteers should be called into active service; we think that the conditions should remain as at present, only when there is actual or apprehended invasion.

1194. Will you make quite clear to the Committee how you would interpret those words?—Well, of course I think the significance of the words is quite plain. "Actual" means of course, if the enemy has actually landed, but "apprehended" is a very much more elastic word, and it would be quite within the powers of the Secretary of State to intimate that he apprehended invasion from a country with which we were at war on the Continent.

1195. Let us suppose that the country had been denuded to some extraordinary extent of the regular troops and that the militia had also been called into requisition; would you think that it would be competent for the Secretary of State to interpret the present rules as implying that there was a state of danger which might invite invasion; do you think a state of things like that would warrant his calling out the volunteers for actual military service?—If it was a condition which invited invasion, I should say that that was "apprehended invasion"; but we should certainly object and do very strongly object to putting upon the Volunteer Forces what we consider to be the duty of the militia proper; and if your militia is not sufficiently large in strength then all you have got to do is to drop the suspensory clauses of the Act and get your militia filled up. We do not think that militia duties should be thrown upon the Volunteer Forces; we consider that the distinctive characters of the forces are essential.

1196. I gather that you think it extremely important that the distinctive character of voluntary

Chairman—continued.

voluntary service should be maintained as distinct from the ordinary military forces of the country?—Certainly, unless called out under the Act.

1197. Now you are aware that the Committee have heard from various witnesses opinions as to the desirability of bringing volunteers more largely under the Army Act than is the case now?—Yes, I have heard so.

1198. At the present time volunteers are only subject to military law when they are actually serving conjointly with the regular forces?—Yes, that is so.

1199. Or substantially so. Do you think it desirable that they should be brought under the Army Act under circumstances stopping much short of that. For instance, supposing the volunteers to be encamped, supposing them to be under arms for purposes of drill, training, and so on, do you think it desirable that for purposes of discipline they should be under the Army Act?—Yes, the moment they are embodied for camp and continual drill, certainly; but while they are in the act of doing their ordinary drills, no more so than they are at present.

1200. You would not have them placed under the Army Act when they were under instruction in plain clothes for example?—Certainly not.

1201. Nor when they were merely practising shooting?—No, not beyond the disciplinary provisions in the Act of 1863, and the Regulations appended to it.

1202. You would only have them subject to the Army Act when they may be said to have been under arms?—That is so. I think you would have very great difficulty as the previous witness said in filling up the ranks of your volunteers, either the rank and file or the officers, if you were to put the volunteer force under the Army Act for any continuous period, and I should certainly be out and out opposed to putting the officers of the volunteers under the Army Act like the militia officers continuously from year's end to year's end.

1203. Your answer then generally comprehends officers equally with non-commissioned officers and men?—It does in general.

1204. Then I should like to ask you to state your opinion with reference to some of those questions that affect the rules of property of the corps. You have of course a finance committee?—Yes.

1205. Can you explain to the Committee the relations between the finance committee and the commanding officer?—Yes. I think the finance committee ought to be a sort of budget committee for controlling and regulating the expenditure of a corps. Of course the commanding officer would always be a member of the finance committee, and would have a right of veto and control over it; but I think it is very desirable that the expenditure of a corps should be kept within the Regulations.

1206. Is there not a special provision in the Regulations pointing out the importance of that?—Yes, there is; but the power seems to be rather more completely in the hands of the commanding officer; under Section 460*a* of the Regulations, the whole of the property of the volunteer corps is vested in the commanding officer, and he is solely responsible for the proper administration of all monies and so on. The first part of that section has been introduced within the last two years I think.

1207. May I call your attention to No. 379 of the Regulations, where it speaks of the propriety of discouraging anything in the nature of extravagant or undue expenditure; that expresses, does it not, the particular matter which is in your mind in what you have just said?—Not quite. I think that the duty of the finance committee ought to be to regulate the expenditure, and leave the commanding officer as the executive of the finance committee. I should think that any commanding officer would be very pleased to have the budget so to speak of his corps managed for him by his finance committee.

1208. Then do you think that the War Office ought to strengthen the position of the finance committee in that sense?—Strengthen the position of the finance committee without in any way taking from the powers of the commanding officer.

1209. Now how far do you think that the rule which authorises officers of volunteers belonging to a corps to make rules, and to alter rules from time to time for the management of the "property, finances, and civil affairs" of a corps is satisfactory?—I think as the rule stands now it is found sometimes unworkable. You have to convene a general meeting of your corps in order to get the rules prepared; and if you had a large corps of 2,000 men like that, the one I am connected with, a general meeting called to discuss rules seems an anomoly.

1210. Is it an inconvenience in practice?—Not only is it inconvenient in practice, but sometimes impossible; because you put all the officers and the men on the same level at a public meeting; and that is against what we conceive to be sound principle of discipline; and you get the discontented men up to the meeting who are opposed to some petty alterations in the rules of the corps, and their objection prevails against the commanding officer, and the general sense of the corps.

1211–12. You are aware that in paragraph 380 it is said that meetings ought not to be held "for the purpose of expressing an opinion upon the acts of a commanding officer, or of recommending him to take a particular course of action, or of discussing any matter affecting discipline," and that no memorials ought to be drawn up giving effect to such opinion?—That is so; and that is one of the things which we think the Act of 1863 is defective in, because it is under it that you are required to have the rules passed by a general meeting, which is somewhat inconsistent with the Section 380 to which you have just referred.

1213. You think that an opportunity should be offered for amending the law, that Section 24 of the Act of 1863 should be corrected rather in the sense of Regulation 380?—That is so.

1214. Do you think that it would be sufficient if volunteers were enlisted on the understanding that they were to accept some rules which had already been determined, or rather than giving them

Chairman—continued.

them the opportunity of determining for themselves at a general meeting the rules under which they were to serve?—No; I think the better plan would be for the framers of the Act to draw up a model set of rules such as those in the regulations, leaving such modification of them according to local circumstances and conditions as a meeting convened under the sanction of the commanding officer should resolve upon.

1215. And do you think that substantially for all general matters the rules might be uniform throughout the country?—I think they might, to a very large extent.

1216. You wish to suggest that the rights of officers of volunteers should be more efficiently safeguarded; will you please to explain what you mean by that?—I think there is a feeling, I do not myself personally share in it, but I do know there is a feeling abroad of discontent on the part of volunteer officers who have been asked to resign without knowing exactly the reason why; and they think that there should be some measure of redress provided for them by affording them an opportunity for inquiry if they wished it.

1217. But are you under an impression that an officer of the regular army has a right to claim a court of inquiry as to his dismissal?—I am aware he has not; but he very often asks for it, and it is then in the discretion of the War Office to grant it or no.

1218. But are you claiming for volunteer officers a right which is not enjoyed by the officers of the regular army?—No; but I think that they should be permitted to ask for a court of inquiry if they wished for it.

1219. Surely they have the right to ask. Is it not within your knowledge that they frequently do claim a court of inquiry?—I suppose they have the right.

1220. Do you wish us to understand that in effect a volunteer officer should be allowed to feel that before any kind of disability or punishment was placed upon him he should have a public inquiry?—Not in regard to his military capacity or his military duties, but in regard to anything which may have been done in his civil relationship.

1221. Or anything affecting his personal honour?—Yes.

1222. And you think that some provision of that kind should be embodied in the actual law?—Either in the Act or in the Regulations.

1223. Now I am afraid that I cannot ask you to give us your opinion with regard to grants, or the mode of assessing, or the period of payment for them?—Unless in so far as it affects the desirability of increasing the number of officers in the volunteers.

1224. We have heard a great deal with regard to the dearth of officers; though I do not wish at all to prevent you from saying anything that you think would have any great bearing upon the subject of our inquiry, matters of administration, matters which under the law are now within the discretion of the Secretary of State and for the War Office authorities, are outside our reference?—I should not desire to travel into any subject which is not embraced within the

Chairman—continued.

limits of your reference; but I should desire to say that it is the general impression in the corps to which I belong, that if there were special grants for some other subjects beyond those to which grants are already given, such as artillery fortification and military law, these grants should be given to the officers; all special grants beyond the mere efficiency grant should be given to officers for the purpose of meeting a great deal of the expense which is thrown upon them in connection with their corps.

1225. Now you would like to say something, I believe, with regard to the right of compensation for injuries?—Yes.

1226. A volunteer injured in the discharge of his duty, and rendered incapable of resuming his trade, is entitled to a gratuity?—That is so under paragraph 627, I think.

1227. That is a very modest kind of compensation, as a set-off against his inability to earn his customary wages?—I think it is; and then it does not include officers, as I read it.

1228. But you think that an officer, injured in the discharge of his duty, should be entitled to a corresponding gratuity?—Yes; an officer might be seriously injured through an accident from a breach block, which happens occasionally, and I think he should get compensation.

Sir *Henry Fletcher.*

1229. On this point of compensation, I should like to ask whether or not you consider that an officer comes under the heading of "an enrolled volunteer"?—I am afraid not, from the phraseology of the section.

1230. To your knowledge, are most of the officers enrolled volunteers, or not?—They are enrolled volunteers, certainly.

1231. "A sum not exceeding 3*s.* 6*d.* a day will be granted for a period not exceeding six months to an enrolled member of the volunteer force who may be injured whilst in the performance of military duty"?—Yes.

1232. Would not that extend to an officer?—But it goes on, "and rendered incapable of resuming his trade or calling in consequence of such injury." The officer may have no trade or calling; he is very likely a man of leisure.

1233. Supposing the volunteer was an officer and suffered any serious detriment with regard to this, do you still consider that he would come under the compensation?—That he might have the power of asking it, at all events; he might not probably take it; many of them would not.

1234. It says here, "A sum not exceeding 3*s.* 6*d.*"; but do you receive any proportionate amount for an officer?—No, I should not put it so much per day, but such compensation as an officer in the regular army might get if he were doing duty under the same circumstances.

1235. You would put him on the same footing as an officer in the regular army?—I should while in the discharge of his duty.

Mr. *Warner.*

1236. Then you have said that you approve of the present words "actual or apprehended invasion"?—Yes.

1237. Now have you got any objection to "actual

Mr. *Warner*—continued.

"actual military necessity"?—I think it is too wide.

1238. What injury do you suppose would ensue from altering the words?—It is very difficult to conjecture, but you might fancy that a very serious emergency might arise, through a mutiny in India for instance, and the Secretary of State might seek to call out the volunteers for garrison duty. Now we do not think that that is in any way consonant with the fundamental principle of the volunteers; that they should not be called upon to perform garrison duty under such circumstances; that "apprehended invasion" is elastic enough to cover all the requirements of State in regard to the force.

1239. Of course the same objection would apply to the word "emergency" in case of "emergency" being inserted?—It would, because it would be too uncertain, I think.

1240. There is one other point with respect to that. It has been suggested that the War Office ought to be able to accept the services of corps, or parts of corps, who volunteered to be embodied; would you approve of that?—I should offer no objection to that.

1241. You said on the question of the property of different corps that you would strengthen the Finance Committee's power; would not that tend to weaken the power of the commanding officer and the discipline of the corps?—I think not; I should expect that the Finance Committee and the commanding officer would work harmoniously together.

1242. But they might not?—Then, of course, the commanding officer would have a veto, and I think that the control should be vested with him.

Mr. *Wason.*

1243. It has been suggested that the volunteers would consider it a privilege if they were exempt from service on juries; would you give us your opinion on that question also?—I do not think that would be any advantage, at least to Scotch volunteers; because the jury system is not so largely in existence there; we have no coroners' juries.

1244. It is possible you may have them before long?—That may be. We have not felt that exemption would be any advantage to us.

1245. It would not be looked upon as a privilege by officers, you mean that they should be exempt?—I think not, as far as I have ascertained.

1246. Suppose they were to be exempt, should the privilege be extended to the men as well as officers, or officers only?—I think if you apply it at all it should be extended to both, all the way round.

1247. In your opinion there is no necessity whatever for such an exemption?—Not so far as Scotch corps are concerned.

Mr. *Munro-Ferguson.*

1248. You would strengthen the Finance Committee so as to leave less necessity for the general meeting, I suppose?—The general meeting has only reference to rules and nothing else.

Mr. *Munro-Ferguson*—continued.

1249. But supposing your Finance Committee could consider the rules, there would be even less in it than at present for the general meetings?—There would.

1250. Are general meetings matters of frequent occurrence in Scotch regiments?—No, not common; but I have had some experience of them. On two different occasions we have endeavoured to amend the rules of the corps to which I belong, and we have not succeeded in carrying it, in consequence of a few discontented men coming to the meeting. All the men who were quite willing to accept the rules concluded that they would be carried, and they stayed away.

1251. Have you formed any opinion as to the opportunity enjoyed by volunteers in Scotland of deriving advantage from camp exercise?—Yes, I have been at most of the camps.

1252. Are there good opportunities in Scotland as compared with Aldershot?—There are good opportunities now. We sent our detachment to Aldershot last year, but now we shall send it to Barry.

1253. Are there any regulars there?—Yes.

1254. A sufficient number of regulars?—Yes; the Scotch regiments are now drafted to Barry for instruction.

1255. But are there sufficient regulars for exercise along with them?—Yes, during the summer training there are. I think the 42nd now is at Barry.

1256. One of the witnesses this morning spoke of the advantage of exercising volunteers along with the regulars, but suggested that in case of work the volunteers should bear only a small proportion to the regulars; I suppose that at Barry the volunteers are a very large proportion to the regulars?—And they take their share of the work, and quite willingly.

1257. Do you think it desirable to have a greater proportion of regulars to volunteers than you find at Barry, for instance?—No; we have found no disadvantage from the proportions, and the two branches have worked very well together.

1258. Do you find any difficulty about ranges?—Not in Edinburgh; but I believe there are difficulties elsewhere. We are very fairly situated both in Edinburgh and Leith in reference to ranges.

1259. You say that you have had a detachment last year at Aldershot; do you think that your detachment will learn as much at Barry as they do at Aldershot?—I think they will. They are under very good command at Barry; the operations are not so extensive, but the training is quite as good.

Chairman.

1260. The ranges are very satisfactory at Barry?—They are; everything is conveniently appointed at Barry.

Sir *Edward Hill.*

1261. I understood you to say that you thought the word "emergency" would be too wide; and you gave as an instance that possibly there might be a mutiny in India which might denude this country of troops, and you thought that in those

Sir *Edward Hill*—continued.

those circumstances the volunteers ought not to be called out?—Yes.

1262. But if the country were denuded of troops and the militia had to be sent to other places, would you allow the forts to be unmanned?—No; but you may increase the militia.

1263. I am assuming that the mutiny takes place under the present conditions; would it not be imperatively necessary that the authorities should have that power of being able to man the forts?—A special provision might be made in regard to garrison artilllery; that is all you want.

1264. I think you will feel that your illustration hardly holds, because it would be necessary that they should have that power; and do you not think that that would also induce the volunteers to give their services?—I daresay it would, if you were to take them as volunteers for local purposes; but you must bear in mind that the Volunteer Force have this distinctive character; that the men are practically all billeted round their headquarters. It is essentially a mobilised force, and can be called into requisition at any moment for defence purposes. Your militia men, and certainly the militia officers, are resident at a very considerable distance from their headquarters, whereas the volunteers are practically billeted around their headquarters, with their equipment, arms, and uniform, ready for parade at any moment.

1265. You would be of opinion that Her Majesty ought to have the power of using them as local volunteers?—Or of inviting their services.

1266. Or of accepting?—I have no doubt you would get volunteer service, but it would be a very dangerous thing I think for the volunteer movement to convert them practically into militia.

1267. I think that is hardly the case here; but do not you deem it very important for the military status of the volunteers that they should be looked upon as an integral portion of Her Majesty's Army for defensive purposes?—Certainly.

1268. And you are of opinion that they should be put under the Army Act under certain circumstances, but not all circumstances?—Yes.

1269. Now if you have had experience, as no doubt you have, when the volunteers have been under the Army Act, have you found any objection on the part of the men?—None while they were in camp.

1270. And do you think there would be any objection on the part of the men to be always so?—I think there would be a great inconvenience, because the volunteers are citizens in the first place, and soldiers in the second; and it would be very hard to subject these men while doing their citizens' duties to the rigid conditions of the Army Act.

1271. It was not suggested. I think most of the evidence has gone only to their being under the Army Act while under arms?—While under arms I have no objection to whatever, but I think one of the witnesses suggested that officers should be under the Army Act all the year round. I should think that would be a very disastrous thing for professional men like myself for instance, for I might have to conduct a case in court which would place me in a very awkward predicament if I were making use of expressions in the course of my professional duties not regarded as wholesome at the War Office.

1272. Do you think any difficulty of that kind might arise?—I think it might.

1273. Not likely?—I think it is very likely.

1274. As regards finance, you are aware of course, that an abstract of the account has to be forwarded every year to the War Office?—Yes.

1275. Do not you consider that it is sufficient safeguard as to the due and proper expenditure of the capitation allowance?—Yes; but I think that sometimes the commanding officer would be glad enough to have the finances administered by a finance committee where there is a risk of the corps it may be getting into debt.

1276. No one proposes to take from him that power. Now, you said that though it was not your own personal view, there was a desire to give an officer a right to demand a public court of inquiry?—Yes.

1277. Have you considered what effect that might have in bringing prominently before the public that which it is undesirable to bring forth to the world?—I expect that the War Office would still continue to have its right of refusal, and they would judge of it.

1278. At the present moment there is nothing to prevent an officer asking his commanding officer for a court of inquiry; the commanding officer can say whether he will grant it or not; but I understand you wish to take away that power from him and give the officer an absolute right to ask for a court of inquiry?—So far as his application to the War Office is concerned, certainly; that the commanding officer should not have the power of refusing it, but that the War Office should have the power.

1279. You would say that if the commanding officer had the application for a court of inquiry, he should then forward it to the Secretary of State, or the General?—To the proper administrative officer.

1280. Have you personally known any case in which it was a matter of complaint?—I have heard of them; I have had no personal knowledge of them. I know that there have been cases where officers have complained that their services have been dispensed with, while they thought that they were unjustly dealt with in consequence of their civil conduct, and not in regard to their military duties.

1281. Well, but of course it may happen that their conduct is of such a character as to make it undesirable to retain them?—I do not mean dishonourable conduct, but rather matters of personal dispute between the commanding officer and the subordinate officer.

1282. Do not you think that such a case as that is very rare indeed?—Very rare indeed; but still it might be provided for.

1283. You do not think that the inconveniences which would probably attach to giving such power to an officer would far counter-balance the

Sir *Edward Hill*—continued.

the possible advantages that may occur?—I should still give it, even though it was not often put into operation.

Mr. *Cubitt.*

1284. You think it would be very undesirable to compel volunteers to serve in garrison duty, supposing the country was denuded of troops?—Unless there was actual or apprehended invasion; because I look upon that as the essential fundamental principle of the volunteer force.

1285. But you do not see any reason why Her Majesty should not be allowed to accept the services of volunteers?—None whatever; and I have no doubt that many corps would volunteer.

1286. Even parts of corps?—Yes, parts of corps. I mean to say, if it went abroad that men who were pursuing their civil duties might be called upon to perform garrison duty, when there was no actual or apprehended invasion imminent, they might say that they would not join a volunteer corps; consequently it would be disastrous to it.

Colonel *Murray.*

1287. You think that the objection might come from the volunteer corps themselves?—I think it might.

1288. Even if they were required in the case of such troubles in India as you mentioned, and the militia were called out?—I think so.

1289. Would the change in the Act have an effect upon volunteering, in your opinion?—I think a prejudical effect. I quite concur with the preceding witness, who said that if you put the volunteers, or any large number of them, under militia conditions, you would deter the men from joining the volunteer force.

1290. You said that you were of opinion that the volunteers should be under the Army Act when called out for continuous drill; would you include in that term an inspection by a general, or brigade camp when not with regulars or militia?—I should include all camps, whether they were brigaded with regulars or militia or not, from the time when they were formed into camp, but not as ordinary inspections; I think the disciplinary conditions of the volunteer regulations at present are quite sufficiently stringent for all ordinary purposes of that kind.

1291. And not the ordinary drills, which usually take place on Saturday?—I think these conditions are good enough as they are. The commanding officer has a very great power in the way of dismissing men, or punishing men, for acts of disobedience or undisciplinary conduct.

Chairman.

1292. And I suppose you think that a dismissal is a more effective weapon in the hands of the commanding officer than would be the penalties which are inflicted?—I think it is a very wholesome one.

Sir *Arthur Hayter.*

1293. You know that by Clause 15 of the Volunteer Act of 1863, a Court of Inquiry can be assembled by the lieutenant of the county, or by the commanding officer in any case affecting a volunteer?—That is so.

1294. Do you wish to give power of appeal

Sir *Arthur Hayter*—continued.

for a Court of Inquiry to the War Office from that decision?—Yes, I think that would be a good thing to do.

1295. The power to demand a Court of Inquiry?—When it is demanded.

1296. That would strike at the power of dismissal of the commanding officer?—No, I do not think it would be inconsistent with the power of dismissal for any act of misconduct while under arms.

Mr. *Cubitt.*

1297. Do you not see that directly a volunteer has been dismissed by a commanding officer he would then become a civilian, and he would then have no right to ask for a Court of Inquiry?—That is just where the hardship comes in.

Sir *Edward Hill.*

1298. Of course you are aware that a commanding officer has not the power of dismissing an officer?—No, but he may make it so uncomfortable for him that he prefers to send in his resignation.

1299. He may make a distinct application for his dismissal?—Yes.

1300. He has no personal power?—No.

1301. A volunteer may resign with 14 days' notice; an officer cannot?—Yes, that is the distinction.

Sir *Henry Fletcher.*

1302. Are the headquarters of your regiment situated in a town?—In Edinburgh.

1303. And the armoury or armouries are also there?—They are.

1304. I want to ask you this question: has it ever happened that a riot has occurred (we hope not) in the City of Edinburgh, and that the armoury has been threatened with attack by the rioters?—No, we have not heard of that.

1305. What power do you consider you have, supposing such a thing as that the armoury was to be attacked by rioters, for the protection of your arms and property?—We should look solely to the civil power for protection in that case. Of course we should not care to have the volunteers drawn out for any civil purposes of that kind with regard to riots.

1306. What I meant was for the protection of the inside of your armoury; what steps would you take to protect the arms?—Only civil protection could be claimed.

Sir *Edward Hill.*

1307. But supposing that that civil protection were not sufficient?—We should probably ask the local authority to enroll our men as special constables for duty, and make them special constables *quo ad hoc.*

1308. I believe there is a clause which enables volunteers to defend their armoury?—That may be; my attention has never been called to it. We have never had any necessity.

1309. Section 455 of the Regulations?—I see by that section that we may "combine and avail ourselves of our organisation to defend ourselves from such an attack." I was not aware of that We have never had any such experience. That regulation says: "In the event of an attack upon their storehouses or armouries, members of the Volunteer Force may" protect them.

Lieutenant Colonel R. C. Mackenzie, called in; and Examined.

Chairman.

1310. You command the 1st Volunteer Battalion of the Highland Light Infantry?—Yes.

1311. And you represent also your colleagues, the commanding officers of Lanarkshire?—Yes.

1312. You have heard, as I have already explained, that the terms of reference to this Committee leave outside all questions of an administrative and financial character, so that we are desirous to have your opinion rather upon such matters as are questions for the Legislature. Now, with regard to the conditions and status of volunteers as compared with the regular Army and the militia forces, what would you like to say to us on that point?—In camp, I believe, at present, if there are brigaded together or encamped together regiments of the line and the militia and the volunteers, and should it happen that in the event of any manœuvre they were to get mixed up, as troops will do when manœuvring in the field, a volunteer serjeant has no right to give any command whatever to a group of privates of the militia or regulars; he has no status as compared with them, whatever; they can refuse to obey any order and nothing can be done. With regard to officers the rule obtains that officers of volunteers rank as junior of the same rank to officers of the line and militia.

1313. I am afraid that also is of the nature of the class of evidence which we are obliged to exclude. You wish to state something with regard to the question of the recovery of fines, for example, do you not?—The prosecution of defaulters.

1314. I see that you have asked to be examined on the question of the prosecution of defaulters by public prosecution?—In Scotland we have such a thing as public prosecution; I believe that there is not in England the same thing. There is a Government prosecutor in sheriff courts who takes up a great number of cases, and it is considered a great hardship in the Volunteer Force that a commanding officer has at very considerable expense to prosecute any defaulter. If a man fails to make himself efficient it costs 2*l.* to prosecute him; so that if he pays the whole amount of the fine he leaves the regiment rather worse than before. If the fine should not be recovered there is a dead loss of 2*l.*

1315. Has your position been made more difficult in that respect than it was before since the passing of the Summary Jurisdiction Act?—I do not think it makes much difference, because we have only been able to raise the actions in the sheriff court very much as before.

1316. What remedy do you suggest then?—Well, I think that there should be a system of fines, and that there should be an arrangement by which the expense of the prosecution should not have to come out of the present capitation grant. There might be some further allowance made for prosecutions in England, and the Public Prosecutor in Scotland might conduct the case so as to relieve the commanding officer of the expense of these prosecutions; they are exceedingly troublesome.

Chairman—continued.

1317. I am not quite sure that it is clear what your grievance is. Under the Act of 1863, Section 27, "If any person belonging or having belonged to a volunteer corps, or administrative regiment, neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or regiment, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within 12 months after the same becomes due and payable, as a penalty under this Act is recoverable, and when recovered shall be applied as part of the general fund of the corps or regiment;" is that your complaint, that the costs of so recovering it may be considerable, and that that would be a charge which could not in itself be recovered from the person?—I have never known any case of the costs being recovered.

1318. You want a more summary method?—Some more summary procedure by which the men can be prosecuted, and we can save the large costs that are at present necessary in order to obtain a judgment.

1319. Do you mean that you should make it a subject for criminal prosecution rather than a civil remedy?—That is so.

Mr. *Wason.*

1320. That the procurator fiscal should prosecute?—Yes.

1321. And relieving the commanding officer?—Yes.

1322. That would be in the nature of criminal instead of civil proceedings?—Exactly.

Chairman.

1323. Do you think that such a proposal as that would be accepted as expedient among volunteers generally in Scotland?—As it is only a defaulter who would not pay when asked who would be affected, I do not think that the general force would in any way suffer, or that the bulk of the volunteers would in any way object.

1324. There are cases in which you call upon persons in charge of arms or other property of the regiment to give up such property, and do you think that the powers now possessed are sufficient for the purposes of the property of the corps?—I do not think they are. At present any man may resign from a volunteer regiment on giving a fortnight's notice without having completed his term of service. He has to pay up then so much for each year that he has not completed of his term of service; but in the case of a man who has completed his term of service for four years and retains his regimental property there is very great difficulty in recovering that regimental property in many cases, especially in mining districts, and where the population is of a shifty character.

1325. What is the process by which you proceed to recover arms or other property?—We have generally to exercise our ingenuity in order to

Chairman—continued.

to get it, and as a last expedient we report the matter to the police; but that is generally when we have lost trace of the man altogether, and have absolutely failed to get the regimental property.

1326. But I am assuming that you have failed to get by any kind of persuasion or personal application the recovery of this property, and that you have to take some legal proceedings?—Then we inform the police, and charge the man with making away with regimental property.

1327. Have you to make a declaration before a justice of the peace to obtain a search warrant?—No, I think not.

1328. Is the law or the process in Scotland different in that respect from what it is in other parts of the kingdom?—Yes; I think the police prosecutor takes it up on showing that there has actually been any charge of fraud or theft.

1329. But do you suppose that a police officer, without warrant or authority from a justice of the peace, could go to a place where these arms or other property were supposed to be kept, and make a search without such a power?—I believe he can under the Glasgow Police Act.

Mr. *Wason.*

1330. It is a very special Act?—It is a very special Act.

Chairman.

1331. What would be the particular process by which you would desire to be enabled to recover any property belonging to the corps?—It is more a change in the regulations that we would suggest. I have tried to get the regimental rules altered with a view of making it compulsory if a man does not intimate that he is going to resign before the 1st January on the completion of his term of service, that is, two months after the close of the volunteer year, that he should be held bound for another year's service. Equipment and great-coat are left in his possession on the understanding that he is going to make himself efficient for another year, and if he does not do so, there is a considerable loss, and in the meantime he may have disappeared. I think there should be a rule that on the 1st January a man should have made up his mind whether he will serve for another year and say so, or else be bound for another year's service and be fined for non-efficiency if he did not complete it. In that way we should get something.

1332. Would it not be competent for you to lay down such a rule as a condition of membership of the corps?—Unfortunately we cannot lay down any rule without the sanction of the whole of the corps. A certain set of rules are in operation and cannot be altered without a meeting of the regiment.

1333. Supposing it were to be held generally desirable that unless a man had given up possession of any property to the company by the 1st January, he should be held liable to all subscriptions and responsibilities for another year, would it not be competent to make it an obligation upon him by a rule adopted by a majority of the Corps, and approved, of course, by the Secretary of State?—That might be sufficient.

Chairman—continued.

1334. At any rate we may take it from you that you think some rule or practice of that kind would be more important for you than a strengthening of the powers for the compulsory recovery of arms or property retained by a defaulter in the volunteers?—I think both the matters should receive consideration.

1335. With regard to the law which enables officers and volunteers, from time to time, to make rules for the management of property, finances, and civil affairs of the corps, to alter or repeal any such rules, do you think any inconvenience attends the carrying out of that section?—I think it is almost impossible to have it carried out satisfactorily.

1336. You think so popular a method is attended with some inconvenience?—Attended with great inconveniences.

1337. What particular kind of inconveniences?—Of course it rests with the commanding officer, as a rule, to call such a meeting, but he may think it very desirable for the efficiency of the corps that certain rules should be passed; and he cannot get those rules passed, in all probability, because the few who come to a meeting called in that way are probably objectors; and perhaps a meeting of six or seven are quite able to object; and where there is a very small minority really in the regiment against the commanding officer's proposals it is at the same time found to be impossible to have such a proposal carried out. I have found it so in my own battalion.

1338. Do you think that such meetings are likely to be attended by any inconveniences affecting the general discipline of the corps, criticisms upon the conduct of the officers, or as to the management of the affairs entrusted to the officers?—Except in so far that such meetings where the proposal comes from an officer, and has to be accepted or negatived seem rather to loosen the discipline of the corps, I do not think that there is very much danger, because if the president of the meeting exercised proper authority he would not allow anything to take place that is subversive of discipline.

1339. But what alternative method would you substitute for the general meeting provided for in Section 24 of the Act of 1863?—I think the alteration might be left with the officers.

1340. Do you think that model rules going rather further into detail than the present model rules of the War Office, should be made applicable to all volunteers throughout the kingdom?—I think that would be a very good plan indeed; but there are sometimes peculiar circumstances affecting districts, and I think that perhaps on the recommendation of the commanding officer to the War Office there might be slight exceptions made from those rules applicable to the special districts; but otherwise I should think that a set of rules universally adopted would be a very much more satisfactory plan than the present.

1341. That model rules of universal obligation might be supplemented by bye-laws or supplementary rules adapted to the requirements of the locality?—With slight variations at the suggestion of the commanding officer to adapt them to the special locality.

Chairman—continued.

1342. And such rules prepared by the officers of the corps and approved by the Secretary of State should have effect without the consent of the volunteers in general meeting?—Yes, I think so.

1343. And that all volunteers enlisted should be assumed to accept those as binding upon them?—I think so.

1344. Even though they might determine such matters as the amounts of subscriptions and the fines and penalties to which they might be subject?—Yes, certainly.

1345. Now you are aware that something has been said with regard to the expediency of exempting volunteers from service on juries; what is your view on that point; do I gather that it is your opinion that volunteer officers should be exempt from service on juries?—I think it might be a small help, but I think especially the commanding officer might be relieved of that duty in view of the large amount of orderly room work which he necessarily has to do in connection with his corps, and which is not recognised in any way whatever.

1346. Do you think the title to or the expediency of exemption from service on juries should be also extended to the non-commissioned officers and men?—I do not think it is necessary.

1347. You think that it would be something which the commanding officers would appreciate as being a recognition of the time given by them to the public service, and so entitling them to special consideration?—I think that that would be all they would press.

1348. Of course you do not mean to say that their names should not appear upon the jury list, but that they should be entitled, if they thought proper, to claim exemption?—I think that would be sufficient. With reference to that, though it might be valued by a large number of the officers, I do not think that it is in any way so pressing as to make the volunteer service much more popular in Scotland by abolishing service on juries for all volunteers.

1349. Then would there be any great advantage in it?—I do not think that there is any very great advantage in it, in Scotland at all events.

1350. I see you have something to say with reference to Government loans; I suppose you are speaking of loans authorised under the Military Lands Act?—Yes.

1351. At present a volunteer corps may purchase land, and may apply that land to the purposes of the corps, including rifle ranges and head-quarters?—What I would like to say about that is that in very many cases these loans cannot be taken advantage of.

1352. Why?—If the Government are to hold the ground as security, there is no security whatever for anyone who has put up the buildings upon it; the buildings form a part of the security for the Government. It is no doubt a very admirable arrangement for the Government, but a very poor arrangement for those who put up the hall; and the same with reference to ranges. The share of equipping my own range was 800*l*. That remains as a debt on the regiment. The officers are responsible for that; I am primarily responsible for it myself. We could not have got a penny from the Government towards equipping that range, even if we had got the ground.

Chairman—continued.

1353. But let me suppose that you desire to erect a drill-hall; your complaint is that you only get money advanced by the Public Works Loan Commissioners under the authority of that Act, upon the land itself as the security?—The land itself is the security.

1354. And then you have to find from other sources money for the erection of the drill-hall?—Yes.

1355. You are aware that if you could erect a drill-hall on the land before applying for the loan, the buildings might count as security as well as the land itself?—That is so.

1356. But your complaint is that you could only get a sufficient amount of money advanced by the authority of the Secretary of State upon such security as the land itself would offer until you had erected a hall?—Yes, until we had erected a hall. The erection of the hall has to be done on the security of somebody else.

1357. And you think that the Act ought to be amended for the purpose of enabling you to get advances for the purpose of erecting drill-halls and rifle ranges?—In the same way as the School Boards get money for the purchase of land and the erection of schools; it seems to me that they are both for public purposes, and that they should be on the same footing.

1358. I think I have carried you through so much of your agenda as is within our province, but I do not know whether you would like to say anything with reference to the propriety of altering the conditions under which volunteers may be called out for actual military service. You know that at present the words of the Act are that they may be so called out in case of actual or apprehended invasion of any part of the United Kingdom?—Yes.

1359. Do you desire to have that power, exercised by the Government, extended?—I think the volunteers would like certainly to be recognised as a force that would really be of some use, and I think with modern military requirements they would be of very little use if they can only be called out after an invasion has taken place or is actually threatened. I think the position of volunteers would be very much improved, and their *amour propre* gratified if they really felt that they were likely to be of some use in the case of a national emergency.

1360. You would like to substitute a more elastic phrase?—I think the words "actual military necessity," suggested by another witness, would put the volunteers on a very different footing than they are at present, and in that way lead to their being organised more fully as an effective force, useful for the military defence of the country.

1361. Do you think that the liability to be called out for active service would be acceded to by the volunteers, that it will not be likely to impose any greater restraint or check upon their volunteering for service?—No, I do not think it would. With reference to that, may I just say that I think the difficulty of calling out the volunteers, and the expense which it would entail would be perfectly sufficient to warrant the

Chairman—continued.

the volunteers in believing that they would not be called out unless it were absolutely necessary that they should be for the safety of the country.

1362. Now, would you like to see the volunteers placed under military law to a greater extent than is now the practice?—I think when in camp they should be, whether with the regulars or without.

1363. When they are in camp, when they are, as the phrase goes (and that seems to be sufficiently understood), under arms generally?—Perhaps it is not necessary when they are under arms for an hour or two, but I do not think I would have any objection to its being stated that they should be under the Army Act while they are under arms. There are just two difficulties that occur with regard to that; men are carrying arms and going to the ranges not in uniform.

1364. They would not be under arms in those circumstances. You heard the evidence of the last witness; do you think it would be expedient to place volunteer officers permanently under military law, to impose upon them such restraints as are involved in the conditions of military service under the Army Act?—I have not given that matter sufficient attention, nor yet do I know the opinion of the commanding officers in Lanarkshire sufficiently to say.

1365. Then you have not heard that such a change would be acceptable to volunteer officers generally, as adding to their status and importance?—I am not absolutely certain on that subject.

Mr. *Warner.*

1366. I suppose you would think it a great advantage that the country might accept the voluntary desire of a corps, or part of a corps, to be embodied, to be called out?—Yes, I think so.

1367. It is rather an important point, if a corps or part of a corps might volunteer in case of emergency?—I think they probably would. I think in the last Egyptian campaign some of the engineers did so volunteer and go.

1368. They had to be put under the Army Reserve, and it was a very difficult arrangement. You, I suppose, would approve of the law being altered so that a corps or a part of a corps might volunteer for active service, in the country of course, for a short time?—I think so.

Mr. *Wason.*

1369. How are you off for officers in your corps?—We are rather short of officers.

1370. Could you give us any reason for the dearth of officers; is it a question of money, do you think?—I think money has a great deal to do with it. The class of officers we wish to get are young men. I think if we do not get them young they never make good officers afterwards; they have to be trained to it; and there is a difficulty with reference to young men because there is no doubt that there are expenses connected with it; the uniform to begin with, and certain expenses that must be incurred.

1371. Do you think it is necessary for the efficiency of a volunteer that he should go into camp?—I do.

1372. Where do you go, to Gailes?—I have been three or four times to the Gailes camp.

Mr. *Wason*—continued.

1373. That is a considerable expense?—A considerable expense.

1374. And a considerable expense with reference to the batteries of position?—I think the grants come very near covering the batteries of position, but they cannot take out a field battery for want of a grant to cover the expense of the horses.

1375. Still you are of opinion that it is a great expense to the officers to take their men into camp because of the expense of hiring horses?—It is so.

1376. I see that in this return, handed in this morning, there has been a grant of 5,216*l.* to the First Lanark Volunteer Engineers?—Yes.

1377. Do you know what it was for?—It was for the purpose of purchasing ground for building a new hall.

1378. Nothing to do with the range?—No, I do not think it had anything to do with the range.

1379. Have you far to go in your district for shooting?—We have to go by rail from five to seven miles, and then nearly two miles to walk to the range.

1380. Is it a modern range?—It is a modern range; we had a range at Possil before, but that was closed, after the Martini-Henry rifle came out, at some loss to my corps; we then had to furnish a new one.

Mr. *Munro Ferguson.*

1381. You said it was desirable that volunteers should go into camp?—I think they do a vast amount of good. There is no doubt that a volunteer who has been a week in camp is a very different man from one who has not been; but at the same time, I think the camp would be of more use, and certainly of more benefit to the officers, if we were brigaded along with regulars.

1382. Are you not brigaded with regulars?—No, I have never been.

1383. Have you had to go with other troops to Aldershot into camp?—We have, volunteer camp. I have been with several regimental camps of volunteers, and a good many brigade camps of volunteers.

1384. Have none of the volunteers in your district ever been brigaded with regular troops?—The engineers have, and some detachments of artillery, but I think that is all.

1385. Do you concur with the evidence given this morning that it is desirable that volunteers should be brigaded with regular troops?—I think it would do them a great deal of good.

1386. They have had no opportunities for going?—We could send detachments to Aldershot or Barry; we are endeavouring now to arrange so that the expense could be met by a reduction in the fares by the railway companies; but as yet we have not been able to arrange it; the cost is too much.

1387. The expense of going to Aldershot is large?—It is large. We wished the railway companies, and have been pressing them, to make a universal rate for volunteers going to Aldershot from the north of England and the various parts of Scotland, so that corps would not be handicapped in going for that distance; but we have not been able to arrange that.

1388. Then at present you do not think that your

Mr. *Munro Ferguson*—continued.

your facilities for being brigaded with regular troops are sufficient?—I think not.

1389. Is there any place where you can act with cavalry in camp?—No. We have had one or two field days in Glasgow when we had a couple of troops of cavalry with a troop of mounted infantry attached to volunteer regiments. They are the only cavalry we have available.

1390. We had evidence this morning about the extra allowance given to submarine miners; do you think that in respect of troops of volunteer cavalry or the volunteers generally, an increase of allowance would add to the efficiency of the volunteer movement?—I think that as regards the capitation allowances they are about sufficient, if we were relieved of finding high rates of interest upon loans; that is a tremendous charge upon the capitation grants at present, and to a large extent cripples the regiment. And again, a regiment under its strength is very severely handicapped because its expenses remain the same, while its capitation grant is very much lower. It is very difficult to get on; and just at the time when a volunteer regiment is low in strength most requires to be done to get it up again; and then is the time when the commanding officer is very severely crippled for want of funds. But perhaps your question had to do with the payment of officers in the submarine miners?

1391. Yes?—Well, I think that if all volunteers are put on the same footing it would certainly very much assist in getting the volunteer force sufficiently efficient.

1392. Do you regard the arrangements for the acquisition of land for ranges as sufficient?—I think not.

1393. Do you think that compulsory powers would be desirable?—I do not know that I am within my right in answering as I am about to do, but I think that the Government should either by way of loan or some other way provide for both the ranges and the drill hall accommodation, and keep the interest off the capitation grant.

1394. That is a special question we have to consider, the acquisition of land for military purposes. I believe that there is such a want of sufficient facilities for ranges at the present time as to make it felt that there should be further facilities to provide ranges where it is possible to do so?—I do not know a case in which after a good site for a range had been seen it has been impossible to get the use of it.

1395. You find that there are sufficient facilities?—I think we have in our district; we have really good ranges, if they are left to us.

Chairman.

1396. Is Scotland better off for ranges than we are in this country?—I think it is; the hilly country gives us an advantage over more cultivated land.

Mr. *Wason.*

1397. Do you think it an advantage that the volunteers on the west coast should be brigaded with regulars at Gailes in the same way as at Barry?—I think it would be a distinct advantage as bringing the volunteers under military discipline, and seeing how things are done practically in a line regiment. As far as manœuvres are concerned, I am not aware that there are enough regulars in Scotland to be of the same advantage as a corps going to Aldershot.

Mr. *Wason*—continued.

Mr. *Gourley.*

1398. Do you think that the Government ought to find all the butts in connection with ranges, and drill halls, and drill grounds?—At present the money has either to be found straight off in order to get ranges and build drill halls, or else loans have to be got to put them there, and in a large number of cases the commanding officer, and perhaps the other officers of the battalion put down their names to cash credits, and other forms of raising money in order to get it for these purposes. Interest has to be paid, and it is a very heavy drag on the Capitation Grant. We cannot get money under from 5 to 6 per cent.

1399. Then do you get ranges and build halls now and borrow the money?—We borrow the money; we pay rent for the range; but we have borrowed money to equip it, to build the trenches, and put up the targets.

1400. And who did you borrow the money from?—From the bank, in the names of the officers.

1401. You have got to pay high interest?—We had got to pay five to six per cent. interest last year.

1402. How much money do you owe?—Over 5,000*l.*

1403. Have you been in a brigaded camp?—Yes, three or four.

1404. Do you think that the men ought to be under military law when in camp?—I think they should.

1405. Have you ever been under what is called a brigadier?—I have.

1406. Do you think a brigadier is any use?—I do not know that I am entitled to answer that question.

1407. Do you believe in dual control in camp?—No; I do not believe in dual control at all.

Colonel *Howard Vincent.*

1408. You represent not only yourself, but a body of commanding officers?—The commanding officers of Lanarkshire.

1409. Are most of the corps in Lanarkshire short of officers, or not?—I think most of them are short.

1410. But the young men of Scotland rather give more attention to the volunteer movement, do they not, than in many parts of this country?—I think there is considerable trouble in getting officers.

1411. But none at all in getting recruits?—That is more or less local. Some regiments are very full, and others are finding difficulties just now. Where a coal strike, or anything of that kind, occurs, the population shifts very much, and a regiment goes down in number, and it is found impossible to hold the men to their contracts, and you have to let them go. Some of them go to America, some to Ireland, where they cannot do drill, and they disappear.

1412. You are quite of opinion that some change

Colonel *Howard Vincent*—continued.

change in the Volunteer Act is desirable, so as to enable the mobilisation to be more quickly effected; some change in the 17th Section. They cannot be mobilised now, except in case of actual or apprehended invasion?—I think it is necessary that there should be some change.

1413. In your experience it would not affect prejudicially the strength or the efficiency of your corps?—I do not think so; I do not think the men would know anything about it.

1414. But if they did would they object?—I do not think they would; they would like to feel that they would be of some use practically.

1415. Of course it would not be desirable to do it without full knowledge on the part of the men?—No.

1416. You do not mean, by your last answer, that the men should be deceived in any way?—Not at all.

1417. You spoke just now as to the expense of recovering the non-efficiency fine; and I understood you to say it was 2*l.*; is law so much more expensive in Scotland than in England?—I do not know what it may be in England; I do know what it is in Scotland.

1418. You are aware that in England it is only the cost of the summons; no other cost of any sort; that is 1*s.* or 1*s.* 6*d.*?—We require to have a lawyer practising before the court to bring it before the sheriff.

1419. Are you not aware that the sergeant major does it in most corps in London?—I was not aware of that.

1420. You may take it from me that it is so; and the expense is never more than 2*s.* or 2*s.* 6*d.*?—We had considerable difficulty in getting the sheriffs in Scotland to take it up and had to get the various Acts quoted under which they might take it up.

Mr. *Wason.*

1421. It is the fact, is it, that in all your cases you have taken proceedings before the sheriff?—I have never known a case taken except by the sheriff.

Colonel *Howard Vincent.*

1422. Do your men engage on a time contract?—Yes.

1423. For three or four years?—Four, as a rule.

1424. And you said that they could leave on 14 days' notice, but that is only on payment of the money which is lost to the commanding officer?—Yes.

1425. And you know that a soldier can buy his discharge on the same terms?—Yes.

1426. And this is practically only buying his discharge from the volunteer force?—Yes.

1427. Then with regard to the change in the putting of volunteers under the Army Act, do you think it necessary or not for purposes of discipline?—I think there might be great inconvenience with reference to volunteers being under the Army Act.

1428. You think it is as well to let well alone?—I think so, except that I think they might be brought under military law when in camp.

1429. Or drilling as a battalion?—I think in camp would be sufficient.

Colonel *Howard Vincent*—continued

1430. As to your brigade drills, have you ever been with regular troops at all?—I have never been with regular troops.

1431. Never been at Aldershot with your own corps?—No; the expense is quite prohibitory.

1432. From what you have heard, do you think that the good that arises from being at Aldershot and other military camps is much greater than it is at volunteer camps?—Much greater.

1433. And has any difficulty been found from what you have heard of volunteers being under the Army Act and associated with regulars; do they raise any objection?—No; no objection.

1434. About the interest, is the interest six per cent. in Scotland in a mortgage of real property?—No.

1435. I thought you said that you could not raise it for your ranges under five or six per cent.?—For the equipment of our ranges. We had to dig the trenches, put up shelters, targets, and all sorts of things.

1436. Did you receive no assistance from the War Office?—None whatever.

1437. Under the Ranges Act?—No.

1438. But have you applied for it?—I rather think my predecessor did.

1439. May I ask you how long you have been in command?—I have been in command about three years.

1440. Then are you not aware that under the Ranges Act the War Office has power to advance money for that purpose?—I believe the range was equipped before the Act came into force.

1441. Might you not have applied for an advance to the War Office to pay off your debt at the bank, and get your money at 3½ per cent. interest from the War Office?—I shall be glad to look that up.

Sir *Edward Hill.*

1442. Are you not of opinion that it is extremely desirable that the military status of the volunteer corps should be improved?—I think it should be.

1443. And if putting them under the Army Act when under arms would tend in that direction, you would support it?—I would heartily approve.

1444. Have you ever had experience of your men coming under the Army Act?—No, I never have; but officers who have tell me that it makes a very great difference in the efficiency of the men when they have been a little while under it. It only takes place at present when they are encamped along with regulars.

1445. You tell us you are short of officers?—We are.

1446. You have a debt of 5,000*l.*?—Yes; something like that.

1447. Do not you couple those two circumstances very much together, and consider that the shortness of officers is very much caused by them?—I do think that has a very great effect in deterring officers, the idea that they are liable for loans required by the regiment.

1448. And does it not tend to lower the position of the officers that it should be necessary

Sir *Edward Hill*—continued.

for either the public or the officers to put their hands in their pockets and provide that which is necessary for the range?—I do think so.

1449. Now with reference to the general meetings, I think you said that there was some trouble at some general meetings in getting rules passed, do not you think it would be perfectly sufficient in the case of any alteration of rules made by the commanding officer if information was given to each volunteer that such an alteration has been made, so that he may have the opportunity if he wishes of retiring from the service; do you think that would be quite sufficient without any general meeting at all?—I should say so, quite sufficient.

Mr. *Cubitt.*

1450. You prefer, in place of the general meeting, to leave the matter of the regulations to the officers?—To the commanding officer, or, if a wider basis is desired, to the officers.

Chairman.

1451. Subject to appeal?—Subject to appeal.

Mr. *Cubitt.*

1452. You do not anticipate that it would affect recruiting in any way?—I do not think it would; as a matter of fact, there are very few regimental meetings held; it is not thought wise, I think, to call them.

1453. You spoke of the desirability of having one code of rules for the whole force; but you are aware that the conditions in different corps differ very materially?—Yes.

1454. For instance, you spoke of your own corps, where it is hardly possible to enforce the time contract which the men enter into?—We cannot enforce it absolutely hard and fast.

1455. Of course in many corps they cannot enforce such a contract at all, while in other corps, such as that under Colonel Howard Vincent's command, there is no difficulty; therefore, do you not see some difficulty in having one set of rules for all the corps?—I hardly see where the difficulty comes in; I think it would be well to have the powers in the set of rules, whether you exercise them or not.

Colonel *Murray.*

1456. Do you approve of the words "actual military necessity" being inserted in the Act, instead of the words there used?—Yes.

1457. Do you think from what you have heard in Scotland, that there would be any considerable objection on the part of employers to the possibility of the volunteers being called out under such conditions?—No, as far as my judgment goes, I do not think there would.

1458. On another subject, do you think that the volunteers should be under the Army Act when embodied under arms in regimental camps, as they are at present, when embodied with regulars or militia?—I do.

1459. You also say that the volunteer makes no objection at present; can you say if volunteers realise what it means to be under the Army Act, if applied; from your experience, can you say if they realise that the commanding

Colonel *Murray*—continued.

officer may award punishment, and in the case of drunkenness, a fine; and that the volunteer may be tried by court martial for military offences, do they realise that that is possible?—I think that that is so.

1460. And they now willingly place themselves under such possibilities with regulars and with militia; and do you think that they would have no objection to the extension of these powers?—I do not think that they would have any; but, with regard to camps, I think they are so absolutely necessary, if volunteers are to be worth anything at all, the training they get in a camp makes them so much better men in a week than you can make them in years of drill at home, that I think the time has come when camps should be made compulsory. I think it is almost necessary that they should be compulsory, once in three years, or something of that kind, and that the men should have to go.

1461. In placing a volunteer under the Army Act, and giving such power in ordinary embodiment to the commanding officer, would you also consider that the commanding officer should have the power given at present by the Queen's regulations to award minor punishments; I mean more than you can give at present, of confinement to barracks; the minor punishment of extra guards and picquets, and extra drill?—I think he should.

Chairman.

1462. You concur in the opinion which has been expressed by several witnesses, that the ignominy of being dismissed from a corps is as useful to the discipline, in a sense, as would be the penalties enforced under the Army Act?—Well, I think every commanding officer who has anything to do with defaulters, must feel that he has many cases to deal with that do not demand a dismissal from the corps; he has to resort to that, because there are no minor punishments to inflict, and if the man refuses or has not made reparation for some small offence, then one has nothing for it but to dismiss him from the corps, and that seems a very large punishment for, perhaps, a very trivial offence, to begin with.

Colonel *Murray.*

1463. And do you think that the volunteers would place themselves under such extra restrictions, and the possibility of minor punishments?—I think that some system of fines might be put at the disposal of the commanding officer; that he should be able to inflict fines for smaller punishments, and be allowed to enforce them.

Chairman.

1464. But you have power to enforce penalties of that kind under the rules?—Only under regimental rules.

1465. Under rules agreed upon at a general meeting?—Of a regiment; but if there are not a set of rules embodying a system of fines adopted by a regiment, and on which all the members of the regiment concur to begin with, you cannot have them.

1466. But the Act enables you to frame, and from time to time, amend, your rules?—What I think

Sir *Edward Hall*—continued.

think is, that the commanding officer should have power under the Act to inflict a certain system of fines as minor punishments?—You would rather have that given by Parliamentary enactment than left to be determined by a general meeting as a system of special rules?—Yes; I think so, certainly.

Colonel *Howard Vincent.*

1468. The Ranges Act, 54 & 55 Vict., is "an Act to facilitate the acquisition of ranges by volunteer corps and others," and Section 1 is as follows: "A volunteer corps may, with the consent of the Secretary of State, purchase land under this Act for military purposes." Section 6: "A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act. The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament." Then, Section 8 says, "The Public Works Loan Commissioners may, in manner provided by the Public Works Loans Act, 1875, lend any money which may be borrowed for the purposes of this Act, and may so lend on the security authorised by this Act without requiring any other security"?—That does not touch the point of equipment of the range, so far as you have read.

1469. Have you ever tried; you cannot get money unless you try?—I have not tried.

Mr. *Gourley.*

1470. What did your range cost for equipment?—It cost my corps 800*l.* to equip; it is held by three different corps,—the Engineers, my own corps, and the 2nd Highland Light Infantry; the range is held on lease by those three regiments, and it was equipped at joint cost; our share was 800*l.*

Lieut. Colonel E. H. THORNE, called in; and Examined.

Chairman.

1471. YOU are senior major of the 3rd Volunteer Battalion of the South Staffordshire Regiment?—Yes; and I am a member of the council of the Midland Volunteer Officers' Association, which numbers between 300 and 400 officers.

1472. You are here as representing the Midland Volunteer Officers' Association, as well as speaking in your individual character?—That is so.

1473. Has the attention of the association been called to the terms of the existing law, under which volunteers may be called up for actual military duty?—Yes.

1474. The present terms, you are aware, by (Section 17) under the Act of 1863, are, that a volunteer corps may be called up for actual military service in case of actual or apprehended invasion of the kingdom?—Yes. We had a discussion upon that question yesterday evening. Unfortunately we did not get quite as much notice as one would have wished to have had, but we had several commanding officers present, and after a full discussion the resolution to which we unanimously came was this: "That the duties of the volunteer force should include as to each individual member of it, the liability to be called out for service for not more than one calendar month at a time, with an interval of not less than three calendar months between each period of service; not only in any case of actual or apprehended invasion, but in any case where the exigencies of the country require the sending abroad of the regular forces of the army and it becomes necessary in consequence thereof to supply their places in garrison or other similar duty. Provided always that the volunteer force shall not be called upon to take any part whatever in dealing with any civil or internal disturbances in the United Kingdom."

1475. Do I understand, then, that you would limit the power of the Government of the day to

Chairman—continued.

call out volunteer corps even in the case of emergency excepting for some limited period?—Yes.

1476. Do not you think that would militate against the value of their services as a reserve force in case of extremity?—It limits their power undoubtedly; I mean what might be their power; but it increases their existing utility to a limit which we think at present cannot be safely exceeded.

1477. You think that they might be called out unreservedly in case of actual or apprehended invasion, but that if called out for any purpose short of that military contingency, the time for which they should be under military service should be limited in the way you describe?—That, as to each individual member of the force no man should be called out for more than one month at a time, with an interval of three months rest.

1478. Under any possible contingency?—Yes.

1479. But do you think that if the liability to be called out for actual military service limited as you have suggested were more wide than the present law, that would be acceptable to the volunteer generally?—No; I think that the employers of labour would hesitate very much about allowing men to join the volunteer force under such conditions. At present there is some difficulty in getting employers of labour to allow men to join the volunteer force. We propose to increase their liability to service, and we have laid down the difficulty of dealing with employers might be largely increased.

1480. Do you think that there is in the minds of a considerable number of employers the same objection to employing volunteers, or that there would be such objection in the case of a greater liability to service, as now exists in reference to the employment of reserve men?—I think so.

1481. Then you have also considered the

Chairman— continued.

liability of the volunteer, under certain circumstances, to be subject to military law?—Yes.

1482. And you are aware that the volunteer is now placed under the provisions of the Army Act, when he is actually serving, or with the regular troops?—Yes.

1483. Would you extend that liability to military law?—No. I am speaking on behalf of a very large number of officers representing the counties of Staffordshire, Warwickshire, and Worcestershire, and we have to deal with a great number of people whom I know very well indeed, and some of whom are very rough, and all of whom, I think I may say, are very honest and very loyal; and there is no difficulty in enforcing discipline under the existing law; and the feeling of the officers who met yesterday evening was, that there ought to be no increase in the powers; that it is not necessary. Of course a great deal depends upon how an officer handles his men; but what we find is, that the existing powers are quite sufficient to enforce discipline.

1484. And that those powers are ample when volunteers are in camp?—Quite.

1485. When they are, as the term is now understood by the Committee, serving under arms?—Quite so.

1486. When in fact they are placed in the same conditions as now, subject them to the Army Act, excepting that they would not have present with them the regular forces?—Our experience is, that our men under arms for ever so short a time, are so subject to discipline, and that the discipline we are able to enforce is so far sufficient, that there is actually no trouble whatever, either in camp or out.

1487. Is the apprehension of being dismissed from the corps an effective and wholesome deterrent?—I think, as far as any moral power can go, it is one of the strongest deterrent powers against insubordination that I know. I have seen, of course, men dismissed from my own battalion, but I have never heard of anybody being dismissed who did not almost break his heart over it; and I have never known a better example shown of how discipline can be enforced than when a man has been dismissed.

1488. I suppose we may take it then, from what has been said, that if you had a man in your corps who required to be dealt with under any of the penal clauses of the Army Act, you would desire to get rid of that man as speedily as possible?—And we should.

1489. Now you would like to say something, I understand, with reference to the present provision of shooting ranges, and the facilities for acquiring them. Do you find that the ranges accessible generally in your district are few and insufficient?—The ranges in our district are sufficient in number; but we had the misfortune only the other day, in the county of Worcester, to kill a little child only eight years old, which was standing on the threshold of its father's house, by a ricochet from the very top of the plate of the target; and that is a thing that I do not see can be helped. We have had two other cases in the midland counties where people have been killed, arising from accidents on the range, within the last two years. As to field

Chairman—continued.

firing with the present ranges, it is absolutely impossible to make any range that I know of in the midland counties safe; you cannot do it. If you get a man to sit down steadily and take his aim at a target, he may or he may not hit it, but he would not go very far wrong; but if you attempt to get field firing with any of the ranges that we have got in the part of the midland counties I know best, safety is out of the question and it cannot be done.

1490. Are you speaking now of practice with the Martini Henry?—Yes, with the Martini-Henry; when it comes to the Lee-Metford the danger will be increased, except that you get a flatter trajectory, which makes you safer.

1491. But the length of the range is so much increased that there is a larger extent of land for practice?—The danger increases in proportion. Field firing is out of the question on the ranges we have got.

1492. What is there to prevent your acquiring better ranges?—Only the earth's surface, geographical considerations; you cannot do more in a neighbourhood like ours.

1493. I am afraid that is irremediable; but supposing it was possible to find in Worcestershire or the adjacent counties a site which would be serviceable for the purpose of a range, there might still be possibly some further difficulties which would have to be surmounted?—When that happens we will take the other difficulties into account; but at present that is impossible.

1494. Do you mean that there are no sites at all?—None near enough. In my own neighbourhood we shoot on a range called the Sedgley Park Range, near Wolverhampton, a mile and a-quarter from Wolverhampton. As long as we shoot reasonably straight, and the militia do not come and nobody else, nothing happens; but it is only a range useful up to 600 yards; you can shoot up to 800 on it.

1495. It is not a very far cry from Wolverhampton to Cannock Chase, is it?—It is for practice.

1496. What distance would it be?—Thirteen miles.

1497. You think that a range to be really serviceable for frequent practice, ought to be more accessible than that distance would make it?—Much more so. If the volunteers are to shoot well they must have ranges up to 600 yards within reasonable access of them, and that means practically within three or four miles.

1498. Then I may take it, in short, that you would like to throw upon the Government the onus of providing ranges?—Yes, quite so.

1499. But supposing that that were impracticable, have you any suggestions to offer with regard to the provisions of the existing law by which you are enabled to acquire land for ranges; to borrow money on the security of the land?—None; that is entirely, as I ventured to suggest just now, a question of geographical situation in most cases. If you have got the land, I will undertake to finance any particular corps; but if you come into a place like the Midland Counties and a neighbourhood like Wolverhampton you cannot get the land, and therefore, you cannot do it. We do not ask and never have asked the Government for 6*d.* to assist

Chairman—continued.

assist us with regard to our ranges; and if we are allowed to shoot under existing conditions, except that now and then we shall kill somebody (only occasionally), we do not mind; but beyond that we cannot go. We cannot improve the length of the ranges; we cannot give them a country which does not exist, and we must enable our men to shoot up to 600 yards on ranges to which they have ready access, working men.

1500. Then next to the position of having ranges near to your own doors, surely the next best thing is to take your men to a range more remote, obtaining their railway fares only?—I hope you will forgive me for saying that that is a contingency which I do not think I have been asked to deal with. It does not occur in our case.

1501. But I find that you would like to say something with reference to the liability of volunteers to serve on juries; do you propose to speak with reference to volunteers and non-commissioned officers and men, or would you distinguish?—No; I desire to speak as to the whole. I have, perhaps, some right to speak about juries, because it is my fortune, whether good or bad, to belong to the legal profession, with which I am very intimately connected, and I know a great deal about juries and a great deal about volunteers; and the conclusion which the officers I represent have come to is this: that officers and non-commissioned officers and privates alike ought, under certain conditions, to be exempt from jury service. We would not allow everybody who happens, for the moment, to be a volunteer to escape jury service, but we think that if a man has served and has got himself returned as efficient as a volunteer for three years, he ought to be, as long as he serves as a volunteer, in whatever capacity, exempt from jury service. I was looking at the figures, and made a calculation, and I do not think it would trouble the country at all; it would not interfere with the possibility of getting a jury readily, and it would be just one of those little boons which would help to make the popular character of the volunteer force better than it is at present. We think that a man should be in earnest, and if he has served for three years and been returned as efficient, we think that as long as he goes on serving he should be exempt.

1502. You think that a man who has given evidence, by his efficiency and zeal, of his devotion to one part of the public service, might claim to be excused, under certain circumstances, from discharging another public duty?—Yes; and I do not hesitate to say, whatever the Secretary of State may say to the contrary, that it would not interfere in the least with the administration of public business.

Mr. *Warner.*

1503. I do not quite understand your position with regard to the ranges; you say you cannot get better ranges, and yet you say that the ranges you have got are dangerous for the Martini-Henry?—Yes, that is what I mean.

1504. That means that you will have no ranges as soon as the new rifle comes in?—No; we shall have ranges, but they will be still more dangerous than at present.

Mr. *Warner*—continued.

1505. They will be practically impossible?—They will be practically impossible.

1506. Have you any suggestion to make as to what to do in that case?—None. When the occasion arises I may have something to say. Take the case of my own range, the Sedgley Park range, we can shoot up to 800 yards there.

Mr. *Wason.*

1507. You yourself have never served on a jury?—No, I wish I had.

1508. But you would leave it optional to the volunteer whether he would claim exemption or not?—Yes.

1509. In other words, he would be put on the jury panel, unless he claimed exemption?—Yes.

Sir *Edward Hill.*

1510. You are averse, if I understand, to altering the law in such a way as to enable Her Majesty to take advantage of the services of volunteers who may happen to be required for a particular locality?—No, I do not go so far as that. I think when the occasion arises that the regular forces of the country have to leave the country, then we ought to be called upon to fulfil garrison or other duty; but I would not ask any individual member of the force to be on duty for more than a month at a time.

1511. However pressing the emergency might be?—Yes.

1512. If you had nothing but volunteer gunners to man a fort, would you unman it because the month was up?—I propose to go by steps; and I think it is very much better that we should enlarge our powers gradually, than attempt to do too much. At present we are dealing with the volunteer force, and I think if go to the extent which the officers I represent advocate, that will be enough for the present.

1513. I may point out to you the practical difficulty that might arise if the volunteers were at a fort because the other troops were out of the country; it would be unsafe to leave the forts unmanned; it would be inviting invasion; and I would suggest to you that it would be eminently desirable for Her Majesty to have the power to avail herself of the compulsory services of volunteers to perform those garrison duties for the safety of England?—But suppose you gave the statutory powers we suggest, you would have, on the present footing of the volunteer force, some 60,000 or 70,000 men who would be available day by day for garrison and other duty, one-third of them.

1514. Yes, and that is how it could be done; but it is a dangerous thing to make a regulation to prevent and hamper Her Majesty in the use of her volunteers?—I see that; but I cannot shut my eyes to the difficulty of recruiting.

1515. But have you any difficulty in recruiting in your corps?—We have a certain amount of difficulty, too large, I am sorry to say, with the men; and we have a difficulty, which I hope will be dealt with in some way by the Committee in some satisfactory way, much greater difficulty, in recruiting officers.

1516. Do you really think that employers of labour would object to their men becoming

Sir *Edward Hill*—continued.

volunteers if the Act were so worded as that, in a case of great emergency, their services should be required?—Yes, I know it would be so in some cases.

1517. Has it been put to them?—The proposition as to the possible amended state of the law has not been put to them. Employers of labour do already object to men in the volunteer force, and some of them will not have men who belong to the volunteer force, because their business may just be in a state of pressure at the very time that the men want to go into camp, and they will not have their men away at the time.

1518. That would not be altered by the proposed alteration of the words to "great emergency"?—No.

1519. The question of the volunteers being liable to be called out under the suggested alteration of the terms of the section would have nothing to do with the objection of the employers of labour which you have mentioned?—Yes, every additional liability you impose on a volunteer to serve is, with an employer of labour, an additional incentive not to employ such a man.

1520. I assume that those employers of labour are reasonable?—No, but they are not.

1521. I cannot see how it is possible that an employer of labour who objects to employing a volunteer now, because of his time being taken up with drill, would have his difficulty increased in any way whatever by altering the words from "apprehended invasion" to "great military emergency"; however, your opinion is that it would do so. Now you said you had some difficulty in obtaining officers?—Yes.

1522. Do not you think that the question of obtaining a supply of officers of the description you wish to have, depends entirely on impressing the mind of the officer-bearing class with the necessity of the existence of the volunteers as a part of our military service?—No; I think it is almost impossible to say what the reason is why it is so difficult to recruit amongst officers. I ought to know, because I go much amongst people in my part of the world, and I have been in the volunteers now for 21 years, but I cannot tell you how it is that they do not join in the same way that they did in the old days.

1523. You do not think it is connected with the military status?—No.

1524. If that status were improved, would that help it?—If it were improved, I think that would help it.

1525. Have you had any experience of your men under the Army Act?—No painful experience.

1526. No; I mean have you had them under the Army Act?—Only in brigade camp.

Sir *Edward Hill*—continued.

1527. And they were under the Army Act then?—Yes.

1528. And you informed them that they were under the Army Act?—Yes.

1529. And has there been any objection to it on their part?—No; I do not think any of them ever understood it.

1530. And their being under the Army Act produced no disagreeable consequences in any way?—None whatever.

1531. Do not you think that if they were under the Army Act, whenever under arms, it would be an advantage?—I do not think that, as far as I know the local battalions, it would make the slightest difference. Our present powers of enforcing discipline are sufficient; if you increased them you would get neither worse nor better discipline.

1532. As to exemption from juries, your opinion is that it would be looked upon as a boon if the exemption were extended to all volunteers?—Yes.

1533. And supposing it were considered by the authorities that that was too wide an extension, do not you think that officers and non-commissioned officers have some special claim?—Certainly I should ask for all I could get; and, if I could only get officers and non-commissioned officers, so far so good; but I would rather have it extended to the rank and file, who, I think, deserve it equally.

Mr. *Warner.*

1534. With reference to being called out, you would have no objection, I suppose, to its being legal for the War Office to accept the service of volunteers who volunteered?—That, of course.

1535. A part of a corps cannot, under the present law, volunteer to do duty now, and be embodied?—I should have no objection whatever to that. As a matter of fact, in the case of my own regiment, we were asked, when there was a scare a great many years ago, to step out, and simply volunteer. That was, of course, simply a question of volunteering who would go abroad; and those of us who said we would, stepped out and were quite willing to go.

1536. I meant, not going abroad, but garrison duty?—We were prepared to do more than that, some of us.

Chairman.

1537. That is to say, that in a case which did not amount to the special emergency which justifies the Secretary of State in calling out all the volunteers, you would have the law so amended as to enable him to accept such services as were volunteered?—Yes.

Monday, 18*th June* 1894.

MEMBERS PRESENT:

Mr. Brown.	Colonel Murray.
Mr. Cubitt.	Mr. Stern.
Mr. Gourley.	Mr. Wason.
Sir Arthur Hayter.	Mr. Woodall.
Sir Edward Hill.	

MR. WILLIAM WOODALL, IN THE CHAIR.

COLONEL T. STURMY CAVE, called in; and Examined.

Chairman.

1538. WILL you inform the Committee what your present position is?—I am Colonel of the 1st Volunteer Battalion of the Hampshire Regiment. I have been in that regiment about 30 years.

1539. A rifle corps?—Yes, a rifle corps.

1540. You have been paying a great deal of attention to the proceedings of this Committee, and will have observed the general line upon which the examinations have gone; perhaps it will be convenient if I ask you, have you read, for example, the evidence of Sir Francis Grenfell?—I have.

1541. And in the main do you agree with it?—I do.

1542. Particularly in regard to courts of inquiry and the right to claim such in the event of difference?—I forget exactly what Sir Francis said; but I should think it very unadvisable that there should be any right to claim a court of inquiry, or a right of appeal, as it were, to a court. I think it would be very subversive of discipline. I know that there is a general impression that there is such a right to demand a court-martial in the regular forces, but that is an erroneous impression; there is no such right; and such a right in the volunteer force would be still more inconvenient than it would be in the regular forces.

1543. Now upon the point as to the circumstances under which volunteers might be called out for actual service; do you think the words, "actual or apprehended invasion" are sufficient?—I do not. My great fear is that the force would not be called out in time, that there would be a tendency to delay calling out (a very natural tendency) till the last moment, and that the very fact of the regulations being as they now are would lend force to that inclination to defer calling them out, and that the probability would be that they would not be called out till too late. Therefore, it would be a very great advantage, it seems to me, if those terms were altered.

1544. Then you would propose some expression rather more elastic than that now contained in the Act of 1863?—Certainly.

Chairman—continued.

1545. Are you prepared to suggest any words that you think would properly meet the case?—I would say "in case of national or Imperial emergency." I think that would be a very wide term, certainly, but I think it requires a very wide term.

1546. That, of course, would render volunteers of all the grades liable to be called out more readily and more frequently than they are now under obligation to be?—Yes.

1547. Do you think that the relaxation of the conditions now prevailing would be accepted by volunteers generally?—I am satisfied that they would.

1548. And do you think that they would not be objected to by employers?—No, I do not think they would be objected to by employers. I am an employer of labour myself; the contingency in any case of the volunteers being called out is, of course, very remote, and no employer would, for a moment, think such a remote contingency worth considering; nor do I believe that he would be so unpatriotic as to object to it if he did think there was anything in it likely to affect his convenience.

1549. Looking at it as an employer, you would feel that the continuity of your business, the safety with which it could be carried on, would be endangered by any kind of national emergency?—Exactly so.

1550. And that you would be glad to make some sacrifices to avert that danger?—In my own financial interests I should be glad to do so.

1551. And you think that you are not only expressing your own patriotic feeling, but that you are enunciating the opinion of others in the same circumstances?—Of all those who have got the ability to see the thing clearly; I cannot help thinking so.

1552. You desire, I believe, to say something with reference to the National Defence Act?—I only wish to refer to that because very great opposition was raised to certain clauses in that Act which would have had the effect of giving greater facility in calling out the forces; and the opposition to this had altogether a good deal of

Chairman—continued.

voice and sound about it; but I am confident that the volunteers in my neighbourhood would have been perfectly satisfied with the clauses as proposed by the Government.

Sir *Arthur Hayter.*

1553. What Act was that?—An Act of three or four years ago that had certain clauses which would have given power to call out the volunteer force at any time the militia was called out. I forget the exact wording; the clauses were dropped on account of the opposition in the House, which was principally voiced by the late Sir Edward Hamley.

Chairman.

1554. Those proposals are not now before Parliament; perhaps we may as well let them pass, with any observations you express upon them?—If I might say so, "national emergency" would, of course, go a little further than "military necessity," and if I might be allowed to say so, the old volunteers at the beginning of this century were liable, and not only were liable, but were actually on many occasions called upon to assist the civil power, when the country was very much denuded of regular troops; the volunteers did so with alacrity, and in many instances with great success. It might interest you if I might read some short extracts which refer to this having taken place on more than one occasion. This is an extract from the county paper of that date: "On Wednesday morning, 24th September 1800, the Loyal Winchester Volunteers, with part of the Fawley Light Dragoons" (who were also volunteers), "were drawn out to preserve the peace of the town" (of Winchester), "and to protect the persons and property of those who frequented the markets; but happily there was no occasion for their services being called into execution, no act of riot having taken place. The readiness and alacrity of the above corps could not fail to impress upon the minds of the misguided multitude that every act of outrage would only tend to increase their distress in a tenfold degree." That is an extract from the paper of that date. There were several other occasions in the county, in other towns as well as Winchester. The extracts are very short, if I might read them. I scarcely know whether this would be called civil or military, because the unruly persons were recruits of the regular Army: On June 9th, 1810, "a party of Irish recruits, without any apparent reason, beat and knocked down everyone they met in Whitchurch." While this riot was proceeding, we are told, "The drum beat to arms, which, in a few minutes, brought out about 50 volunteers, headed by their captain and another officer, and by the spirited but steady and most excellent cool conduct of the corps they succeeded in taking the whole party prisoners, amounting to about 30, and secured them for the night in prison. The highest commendation is due to the officers and men of this corps, as their activity and determined conduct saved the lives of many people at Whitchurch, and, probably, the town itself from being burned, for the behaviour of the recruits was of a most violent nature." A further instance took place in Winchester on the

Chairman—continued.

7th February 1811, when a certain regular regiment marched into Winchester on its way to Portsmouth, numbering about 150 (chiefly Irish, it is observed). Two of their members committed an outrage and were taken to prison. This exasperated their comrades, who assumed a very threatening attitude, and it was deemed prudent to call out the volunteers, who mounted guard over the prison, and patrolled the streets all night. The event was acknowledged by the mayor in the following letter: "Winchester, 9th February 1811. Sir,—I beg you will have the goodness to return my thanks to the volunteers for the alacrity with which they came forward on Thursday evening to preserve the peace of the city, and for the anxious desire which they show on all occasions to protect their fellow-citizens. I have the honour to be, Sir, &c. *William Druitt*, Mayor. To Captain Blake, commanding Winchester Volunteers."

1555. Now, as you have given us these very interesting glimpses of what occurred in troublous times at the beginning of the century, do you think that, under certain circumstances of civil excitement to-day, it would be expedient to employ the volunteers?—I can conceive that the circumstances might be such (we hope that they never will be, but I can conceive that they might be such) that it would be most important that such a force should be available.

1556. But would you allow a discretion to the mayor and local magistrates to call them out and employ them according to their own judgment?—Precisely, as they have power to call out regular forces.

1557. But the regular forces can only be employed when a demand is made to the general officer commanding by the local magistrate?—The same would, no doubt, apply in this case.

1558. And with a declaration that the police force is insufficient for the purpose?—Yes.

1559. And do you think that it would be expedient that similar powers should be given with regard to a local volunteer force?—Yes; I conceive the possibility of all the regular forces being away, or otherwise non-available.

1560. I suppose you are familiar with the regulations as they now stand?—Fairly so.

1561. Volunteers are available as special constables under the regulations as they now stand?—Yes; but they are not then under that same discipline and control that they are under if they are called out as volunteers under their officers and non-commissioned officers, and therefore would not be half so satisfactory.

1562. The Regulation No. 451 lays it down emphatically that "the civil authority is not in any case entitled to call upon or order volunteers to act as a military body in the preservation of peace;" that regulation you would alter largely?—Distinctly. It does not in the regulations say whether they are or are not to carry their Government arms and ammunition with them; but I can conceive that it would be very dangerous if they were to carry their Government arms and were not to be under military control.

1563. The regulation paragraph 454 lays it down that, "In cases of serious and dangerous riots and disturbances the civil authority may require

Chairman—continued.

require Her Majesty's subjects generally, including members of the volunteer force, to arm themselves with and use other weapons suitable to the occasion; and such other weapons may be used accordingly by members of the volunteer force, according to the necessity of the case"; but the implication is that volunteers in such circumstances would act as citizens, and that any citizen not himself an enrolled volunteer might take up arms and do his duty in the protection of property and persons threatened by riot?—Any man called out as an individual citizen. It would make no difference to him whether he were a volunteer or not; but I think that there would be no objection to their being able to be called out, and circumstances might be such that it would be of immense value if they were able to be called out as a military force, with their weapons, under discipline and the control of their officers.

1564. But you are quite conscious, of course, that your suggestion is a suggestion of a very drastic constitutional change?—It is only reverting to the old Act of 1804. These instances I have given you happened under the Act of 1804.

1565. Yes; but we are considering circumstances under the Act of 1863?—Yes, it is only a reversion, I mean, to the old Act.

1566. Then, evidently you are prepared to diminish the fundamental differences between a volunteer force, the regular and militia?—Distinctly.

1567. For instance, you would make the volunteer more liable to be called out for active service?—Yes.

1568. And you would render him liable to be employed in quelling civil disturbances?—Yes.

1569. Now, may I take you a step further; do you think that the liability of volunteers to be brought under military discipline and made amenable to the Army Act should be greater than is now the case?—I think that the more that can be done to assimilate the two, to bring the terms as nearly as possible to those of the regulars, the better; but there are difficulties undoubtedly, because the Army Act is designed for different conditions of service from those that exist in the volunteers. It would appear to me that if volunteers whenever they are under arms were under the Army Act, it would be a great advantage, simply for the purpose of assimilating the two; but at the same time I think it should be clearly laid down that the powers of a volunteer commanding officer under the Volunteer Act are the same whether they are under the Army Act, or not; that is, that he does not lose the power of acting under the Volunteer Act and the regulations when under the Army Act.

Mr. *Cubitt.*

1570. I wish to know whether your battalion is a scattered battalion?—It is.

1571. That is to say, the headquarters are at Winchester and the companies are all over the county?—Yes, that is so.

Chairman.

1572. You were saying that when volunteers are at drill or training in camp you think it would be very convenient and desirable that they should be under the Army Act?—Yes, I do.

1573. Would it express your wish if we said, "when under arms" in the usual acceptation of the phrase?—"Under arms" would, I think, do it very well.

1574. That they should then be subject to military law, just like the regular troops?—Just like the regular troops, but with this addition, that the commanding officer of volunteers should still have the powers conferred upon him which are in the Volunteer Act and the regulations, which in some respects are far more drastic than the powers under the Army Act.

1575. Do you think that the power possessed by the commanding officer of dismissing a volunteer from the corps is a wholesome restraint?—Distinctly so.

1576. Even greater than fines and certain other forms of punishment?—Very much greater.

1577. And that, of course, you would preserve, notwithstanding that he might have other powers such as those given under the Army Act?—Quite so. May I mention, for instance, one of the so-called minor offences which is technically known in the Army Act and in the Queen's Regulation as "simple drunkenness," that is, drunkenness under certain conditions?—A commanding officer in the regular forces has no power whatever to punish for a first offence of this nature; he cannot even fine the man. We have the power under the Volunteer Act of dismissing him.

1578. But under your command have you anything like a system of subscription and fines to which volunteers are liable?—Only the fine in case a man fails to earn capitation grant; no fine for any minor offence.

1579. Do you experience any difficulty in recovering such fines?—The greatest difficulty.

1580. Have you any suggestion to offer the Committee as to any improvement in the law to help you in that respect?—Well, I am not a lawyer, and the mysteries of the law appear to be very great to my mind; but if there were or could be devised some more summary method of inflicting the fine and recovering the money than going through the process of, I think it is a civil prosecution or action, it would certainly be a very great advantage.

1581. Are you prepared to suggest anything?—I am afraid I am not; I am not lawyer enough.

1582. Now may I ask your opinion with reference to the provisions with respect to general meetings. You are aware that a great deal has been said to the Committee with reference to the inconvenience of the provision in Section 24 of the Volunteer Act, which enables officers and volunteers "from time to time to make rules for the management of the property, finances, and civil officers of the corps, and to alter or repeal any such rules," and so on. You will find the actual words on page 284 of the regulations?—I should like to say that I believe general meetings and rules which are supposed to be made in general consultation at a general meeting, to be

Chairman—continued.

utter unmilitary and altogether a mistake. I am glad to say that so far as my own regiment is concerned we have practically got rid of them; we never have a general meeting; such a thing would practically be impossible in a scattered regiment like mine; and I am very glad that it is impossible, because it is really a thing calculated to be subversive of discipline, seeing that the private comes upon the same platform and has an equal voice with his officer; many of the rules are mere recapitulations of the Volunteer Act and Regulations, and are quite inoperative and useless. Taking my own rules as we now have them, there is nothing about a general meeting in them; No. 9 is "That no alteration shall be proposed to these rules except at a special meeting of the officers of the battalion convened for that purpose," and I am glad to say that they were approved by Her Majesty on the 14th of June 1890.

1583. You are required to have a finance committee; is that finance committee elected by the volunteers or appointed by the officers themselves?—The rule I have in reference to the finance committee is that "The property of the battalion is legally vested in the commanding officer, but a committee to aid him in the management of the finances shall be appointed. This committee shall consist of the field officers, and quartermaster of the battalion, and such other officers not exceeding the number of field officers for the time being that the officer commanding may nominate."

1584. Then it is not in any sense elected by and responsible to the corps generally? — In no sense. The field officers and quartermaster are there *ex officio*, and the others are nominated by myself.

1585. Then is it understood that a volunteer on enlistment undertakes that he will be amenable to certain rules which are submitted to him, although he may have had no part in the framing of them?—He signs an agreement, a declaration to that effect, "I hereby agree to hold myself bound by the foregoing rules, which have been read over to me, and with a copy of the said rules I have been furnished." He signs that; but I think all that should be unnecessary; what is necessary should be embodied in the Volunteer Act, and the volunteer would render himself liable on being attested and sworn in.

1586. I suppose we may take it that your practice has been arrived at by long experience and that it works well, although it is possibly not quite consistent with the precise terms of the Act itself?—That is so.

1587. And you think it is desirable that the Act should be amended in the sense arrived at by your experience?—That is so.

1588. Now have you anything further to say with regard to enforcement of fines or penalties?—No.

1589. I suppose you regard your power of dismissal as being the most potential form of enforcing discipline?—Quite so: I would like to say with regard to the finance, that, however a committee is appointed, and whatever restrictions are placed on its power, I do think it is

Chairman—continued.

desirable that all cheques should be signed by two members of the committee as well as the commanding officer.

1590. Now sometimes your volunteers join the militia or regular army, and you feel yourself sometimes aggrieved, do you not?—Very much.

1591. How does such a thing affect you?—It affects me financially, and also somewhat sentimentally. The captain of a company who has worked hard to get his company up to full strength, and has enlisted a certain number of men, finds when they come to drill and to put their uniform on that some of them are possessed of a martial ardour which they were not aware of before they began to drill: and finding this out they go and present themselves at the depôt of the regiment, encouraged I may say by the sergeant instructor to do so, to join the regular forces. Perhaps very often they find that there is a little difficulty, some physical difficulty that the doctor will not at once pass them; they then go into the militia. Sometimes they go into the regular army direct, and sometimes they go into the militia first and try, after their training in the militia, to get into the regular army, but sometimes they have to wait another year; and it is only then they go into the regulars direct, or when immediately at the end of their training with the militia they join the regulars, that we get a grant for them, and only then if they have done the prescribed number of drills for efficiency and the musketry beforehand. Now I think that that is very hard, because it very often happens that these men tender themselves for enlisment in the regulars at a time in the year when it is not possible for them to have done these drills, and in the case of their going into the militia we never get the grant, but we have the right to put them under stoppages in the militia to pay the fine equal to the capitation grant; to my mind it is a very hard thing to enforce it. I have known instances in which a man has gone to camp with me, and he has lost his employment from doing so when he has got back home; and having done so he has joined the militia with a view to getting into the regulars when he could; but he has not been able to get into the regulars, and has remained in the militia; and I think it is very hard to put that man on stoppages, and that we should lose by him in that way. Moreover it creates friction between the other battalions of the territorial regiment and the volunteers.

1592. You would like to consolidate the territorial system by such an amendment of the law as would assure a payment to you for having furnished a member to the regular army?—Quite so, or to the militia.

1593. I should like to ask you if you have anything to say with regard to exemption from jury service?—I think it would be a gracious thing, and appreciated by a certain number of us, if we were permitted to claim exemption; certainly the officers, and I think the non-commissioned officers; I do not think I would go so far as to say the privates.

1594. I gather that it is quite conceivable the Committee might not have had the advantage of hearing you to-day if a certain *cause célèbre* had

Chairman—continued.

had come forward?—Yes; I was summoned for the special jury.

1595. And you think that you ought to have been able to claim exemption as a return for the valuable services which you give the country as a commanding officer of volunteers?—I will not say "the valuable services," but I think I ought to have been able to claim exemption.

1596. How far do you think that this exemption should be claimable; do you think that every volunteer, or that merely the officers, should be able to claim exemption?—Officers and sergeants, I should say.

1597. Now, do you find any difficulty in the matter of suitable ranges?—A certain amount of difficulty; not so great as some have found, because ours is rather an extensive county, and there are a good many open downs and bare heaths: I do not feel it so acutely therefore; but still we do have difficulty.

1598. Have you had occasion to complain that the War Office has not shown sympathy with the necessities of volunteers desiring to obtain land for that and other purposes?—I never found the War Office a sympathetic body on anything; individuals very sympathetic, but, as a body, the War Office appears to me to lack that attribute.

1599. Have you felt aggrieved in regard to any specific experience?—With regard to ranges, no.

1600. In regard to the concession of Government land?—Yes, very considerably aggrieved, I may say——

1601. I will only ask you this question, I do not want to encourage you to give evidence bearing merely on the administration of the War Office; do you think that there is anything which you have to complain of which might be met by an amendment of the law; we should be glad to hear you on that point?—I do think that the law might be amended to give us larger facilities for borrowing money of the Local Loan Commissioners, and especially when there is land belonging to the Government, especially to the War Office, which might be available for our purposes; it should be granted without cost: and if I might claim your indulgence I should like to tell you what really did happen with regard to a small piece of land which I set my affections upon for head-quarters: the site actually belonged to the War Office, and was absolutely waste land, from which they had never derived any benefit or profit for centuries, and which I thought, belonging to the War Office, there was no doubt about my getting with the greatest facility. I therefore boldly tried to have the fee-simple of it made over to me.

1602. Without payment?—Without payment. That was refused. That (*showing a plan*) is the site of the land. I do not know whether you know Winchester, but you may be able to recognise it if you do. That is just opposite the county hall. I then asked, would they grant it to me on a long lease at a peppercorn rent. That they also promptly refused. I was then driven to suggesting that I would even pay a nominal rent, I called it, but they assured me that the rent must be not only nominal, but

Chairman—continued.

substantial; in fact, I was to pay just the same as I should any landlord; and I was even content to agree to that, hoping that I should get large contributions from the public which would make it easy to do so. They then submitted a draft lease, which I think contained the very worst features of ground landlordism that I ever saw in my life, and I think you will even agree with me when I say that they claimed to have the right, after compelling me to put up a building which was to cost 2,000*l.*, to take possession, not only of the land, but of my building at any time that the Secretary of State might choose without compensation.

Mr. *Wasm.*

1603. Have you a copy of the draft lease?—No, I have not; but I got that clause altered, because I could not build with such a provision: and at last I got possession of the land, and I built on it; but they charge me a ground rent of 16*l.*, which I think is a monstrous thing to do.

Chairman.

1604. How do you think a grievance of that kind should be met by Parliament?—I think that Parliament should pass an Act by which the War Office should have the necessary power to do as asked, grant the fee-simple to the corps without charge. They said they had no power under the existing Acts to do it,

1605. You were going to suggest that Parliament should give the War Office the power to do what?—That Parliament should give the War Office power to grant any land in their possession that they do not want for other purposes of greater importance. I may say that having built my building, I went to the Local Loan Commissioners and asked them to lend me the money for the balance which I had not been able to get. Very many that I asked to subscribe, whether they did so or not—and most of them did not—said that they considered Government ought to provide money for such things. I had to borrow on mortgage a balance of 1,500*l.* I went to the Local Loan Commissioners personally myself; they said, "No; if you had bought the land with the building on it we could lend you the money, or if you had leased it with the building already on it; but because you have taken a lease, and then built what you wanted, we cannot lend it to you." It seems to me that there must be something that wants altering if this be the law.

1606. That is to say, you would have the Military Lands Act amended, so as to enable you to borrow money for the purpose of erecting buildings as you have now for the purpose of purchasing buildings already erected?—Quite so.

1607. I see you think that it might be possible to diminish the present dearth of officers generally complained of, by making the volunteer force more obviously serviceable for the defence of the country?—Yes.

1608. Will you explain how in your judgment that end might be attained?—I think by

Chairman—continued.

carrying out the several improvements that we have been discussing and suggesting.

1609. You think that by increasing the liability of the force to be called out for actual service, by assimilating more nearly the discipline and practice of the volunteers to those of the general Army, by giving them exemption from service on juries, and by the other proposals you have made, you would impress gentlemen of proper social position with the great value of the service that they were about to render to their country?—Quite so.

1610. And you think that if they were so impressed more men would be willing to join and make sacrifices, probably?—Yes, but I do not think it would make very much difference, because, if I may say so, what really militates against our getting officers is the general impression throughout the country that an invasion is an absolute and definite impossibility; and that impression appears to me to be based upon what the public is told in public utterances by public men, who at certain times say that we are perfectly secure because of our navy, and that even if we were not secure because of our navy, everything in a military point of view for the defensive purposes of the country is as exactly as it should be; and therefore a man says, "Well, why should I be a volunteer officer; why should not I play cricket and golf and polo, and hunt and shoot, and all the rest of it, instead of devoting my time and spare means to grinding away at the military work?" That is why we do not get officers.

1611. Yes; but I do not quite see the remedy that you would suggest; because the state of public opinion is dependent upon so many considerations, and the possibility of invasion is itself dependent upon so many hypotheses, that it is very difficult, I am afraid, to correct the impression which you think is so influential?—All the more reason, if it is difficult, why it should be persistently attempted by men of light and leading.

1612. But we are asking what can be done by a clause in an Act of Parliament?—Well, a good Act of Parliament will help towards it, especially if you gentlemen, in bringing in the Act, will speak plainly in the direction indicated as to the possibility of invasion.

1613. We will bear in mind your suggestions. You have a suggestion again to offer in the direction, as I understand, of consolidating the volunteer force more intimately with the regular army, that volunteer officers might be appointed as advisers on the head-quarters staff?—Yes.

1614. Will you explain particularly what you would wish to be done, and what you think would be the effect of doing it?—Yes. I think seeing that the volunteer force consists of nearly a quarter of a million of men, that if an officer was appointed on the headquarters staff (a really volunteer officer, not a regular who has for a time served in the volunteers) as an assistant adjutant general, and one perhaps as a deputy assistant adjutant general, both selected from the infantry, one representing Metropolitan, the other the country corps, and an assistant adjutant general from the artillery, they, being on the headquarters staff, would naturally be consulted

Chairman—continued.

by the deputy adjutant general of the auxiliary forces upon all points of making regulations and issuing orders and instructions for the volunteer force; and I cannot help thinking that it would be of immense value to the deputy adjutant general, and I am quite sure that it would be highly esteemed by and give great confidence to the volunteer force themselves. Now there is a very considerable soreness very often when regulations are made and orders issued, because it is felt that points are not understood; that there is nobody at the headquarters who is really thoroughly conversant with the thing. It is a very difficult thing to understand is the volunteer force; and they feel that it is not thoroughly understood, and then orders and regulations get issued and made which do not quite suit the case, and the result is that questions are often asked in the House, and they are very often modified, it would be much better if there were some volunteers at the War Office with whom these things could be discussed. They would not need to be always there; but according to the proposal they would be appointed on the headquarters staff, and they would be consulted about these things, and I think the difficulties with which we have to contend would be understood better.

1615. That is a suggestion, of course, very well worthy of consideration by the authorities of the War Office; we can take your general opinion on that and on some other points not perhaps within our references; you will bear in mind that our duties here are limited?—Yes, I understand that.

Mr. *Brown.*

1616. On the last point do you not think that the friction between the volunteers and the army officers has been getting gradually less and less?—I should say that I have never really known any friction between the individuals; it is the War Office, as a body.

1617. But do you agree that there is less friction than there was?—There is less.

1618. They are understanding each other better?—Quite so.

Mr. *Wason.*

1619. With reference to the extracts that you read out with regard to the volunteers being called out at the beginning of the century, you said that it was 1800?—Yes.

1620. And the Act of 1804 was the Act you spoke of afterwards?—Yes.

1621. And do you know under what Act they were called out in 1800?—The first Act was 1794, and then it was amended in 1798. I am not sure whether the 1794 Act was repealed or only amended in 1798.

1622. You said there was a great deal of expense connected with the recovery of fines?—Yes.

1623. Could you give us any idea what?—No, I cannot; there is legal difficulty as well as expense.

1624. Do you know the Summary Jurisdiction Act?—No, I am not a lawyer.

1625. You do not know it?—No.

1626. But two members of this Committee, who are colonels of volunteer regiments, tell us that

Mr. *Wason*—continued.

that the expense of proceeding under that Act for the recovery of fines would be a mere bagatelle?—Some of my solicitor-officers tell me, whatever it may mean, that the onus of proof rests with you instead of resting with the man: that if you go and say he has not returned his things and is liable to fines, it does not rest with him to prove that he is not, but for you to prove that he is.

1627. You would not suggest criminal proceedings, would you?—No, I do not think I would. I am not lawyer enough really to know how to answer that question. I only know what happens, as a matter of fact.

1628. You spoke of the National Defence Act of 1888?—I forget the year of the Act, but I did speak of the National Defence Act.

1629. That Act gives power to call out the naval artillery volunteer corps when the militia and the yeomanry are called out?—Yes.

1630. And is it your suggestion that all volunteers should be liable to be called out, in the same way that the naval volunteers only are liable to be called out under that Act?—Yes, I think so; I think that "National or Imperial emergency" would be practically the same thing.

1631. The Auxiliary Act now only applies to the naval artillery volunteers?—They have been disbanded; so that, practically, that is inoperative entirely.

1632. Now you say that you think the volunteers ought to be called out in a case of civil disturbance?—Yes, I see no objection to that.

1633. For instance, such as took place at Featherstone?—They had the military out there.

1634. But not the volunteers?—I would not have the volunteers called out when there were regulars available.

1635. It would be only as a *dernier ressort* that you would have the volunteers called out?—Quite so.

1636. You would never allow the volunteers to be called out in a civil disturbance if you had military available?—Naturally, no civil authority would appeal to the volunteers if he could get the regulars.

1637. Do not you think that if the volunteers were liable to be called out on a question between masters and men, say, a good many of the volunteers would sympathise probably with the men, and it would very likely lead to a mutiny in the corps?—I think it a very unlikely thing that they would be called out under such circumstances. The circumstances that I conceive when volunteers might operate, if I might say so, in assisting the civil force are these: I will suppose riotous proceedings such as happened in the North when the Fenian raids were on. Now, although the volunteer regulations say that we may go out to protect our own armouries under the Volunter Act, I very much doubt whether we could not be tried for murder if we shot anyone while protecting our armouries.

1638. A jury would not convict you of murder?—They might not; but the Act ought to make it impossible.

1639. How is your own regiment off for officers; have you had a good deal of difficulty in getting officers?—In some neighbourhoods a great difficulty. My establishment of officers is pretty well filled up, but then there are more than is absolutely necessary in one neighbourhood while another neighbourhood has too few.

Mr. *Wason*—continued.

Mr. *Gourley.*

1640. Have you ever summoned any of your men for the purpose of obtaining fines?—I have in one or two instances, but there is such a difficulty, as a rule, that I avoid it as much as possible.

1641. Then have you ever summoned them for the purpose of obtaining payment of the capitation grant?—That is the fine I mean.

1642. Have you summoned them for expenses incurred?—I do not think I ever got the money; I cannot remember exactly how it ended; there was a good deal of difficulty.

1643. Is it the custom to summon men under that Act for failing to make themselves efficient?—Very unusual.

1644. You were asked a question as to courts of inquiry; are you against courts of inquiry?—Not as laid down now.

1645. Would you not allow a court of appeal whenever either men or officers should be dissatisfied with the finding?—Distinctly not.

1646. Neither for officers nor for men?—Neither for officers nor for men.

1647. You would make the decision of the court absolute?—The court has no power of decision at all. Under the present Volunteer Act the court has no power of giving any decision. A court of inquiry can be summoned by the commanding officer, and by the commanding officer only, to assist him in collecting evidence; they have no power of any decision. That is the power I would retain, and I certainly would not increase it by giving the court any power beyond.

1648. You would not allow an appeal to the War Office?—No, certainly not.

1649. You are in favour of an alteration with regard to the liability of volunteers to be called out; you would make the alteration to "national emergency"?—Yes.

1650. What do you mean by "national emergency"; do you mean a mutiny in India, or a revolt in Australia or in Canada, and in any of the Colonies; would that be considered a national emergency?—If it required the withdrawal of regular troops to any considerable extent, certainly it would be.

1651. Not otherwise?—Not otherwise, I should say.

1652. Would you see with favour the placing of the volunteers, when in camp, under the Military Act?—Yes.

1653. But not otherwise?—When they were under arms; that is what we say.

1654. Would you place them under military law when under arms, but when out of uniform?—I do not think it much matters whether they are in uniform or not.

1655. Take your recruits: your recruits are generally prepared under arms, but without uniform?—Yes.

1656. Would you place men in that position under military law?—I think whenever they are under authority, whenever they are assembled

Mr. *Gourley*—continued.

for drill purposes, they might as well be under the Army Act.

1657. So long as they are under arms you would place them under the Army Act?—Yes; at the same time I think, if I may be allowed to say so, it is the Volunteer Act that gives us the power a great deal more than the Army Act, because there is a power of dismissing men, when they are under arms, for minor offences; in the Army Act there is confinement to barracks or fines; these are utterly inapplicable to men out for an hour's drill, or even a day's training.

1658. With regard to the ranges and drill grounds and drill sheds, would you be in favour of placing the entire cost upon the national funds?—I think that the entire cost should be upon the national funds, but I think that there are manifest conveniences in dealing with local owners and occupiers if the transaction is conducted by the local volunteers. I think, if it were possible, that although the ultimate cost should come upon the Imperial funds the negotiations should be conducted locally; it probably would be a great saving to the State, and things would go much more smoothly. Owners and occupiers have a tendency to open their mouths very wide, and make all sorts of objections when a Government official comes down; therefore I think, though the cost might be borne ultimately by the Imperial funds, the arrangement might be made locally.

1659. In that case you would make the arrangements subject to the decision of the War Office?—Of course, if they had to pay.

1660. In reply to a question asked by the Chairman you recommended the appointmunt of an assistant adjutant general to be chosen from among the volunteer officers?—Yes.

1661. Not from men who have served in the Army?—No.

1662. In that case I suppose you would disapprove of the existing dual control of the brigadier and the officer commanding the regimental district?—I disapprove of it entirely.

Sir *Edward Hill.*

1663. You have stated I believe that in your opinion employers of labour would have no objection to an extension of Her Majesty's powers of using the volunteers?—Yes.

1664. And I take it it is your view as an employer of labour that it is far better to have the volunteers in a sufficient degree of efficiency than to be compelled to have recourse to compulsory service, which would be much more inconvenient?—As an employer I say, yes.

1665. As regards the volunteers assisting the civil powers, do not the words in the Act permit the use of the volunteers in every respect, with their arms and all, with the sole exception of their uniform?—Well, I think very likely they do; but it is doubtful to my mind, and I think that it is very dangerous if they do so.

1666. You would prefer their being used, if used at all, in uniform under their officers, with their military organisation?—Quite so.

1667. But you think that that ought only to be at the very last extremity?—Naturally.

1668. May I put it this way: supposing a

Sir *Edward Hill*—continued.

riot occurs in a town and the public buildings are being destroyed by fire, and there are no troops at hand at all, you think it would be better to use the volunteers than to allow the town to be burnt?—Quite so.

1669. But you do not go further than that?—I do not go further than that.

1670. And you would never call them out to take part in ordinary matters which either the police or the yeomanry or the regular forces could deal with?—No, the yeomanry can be called out, I believe.

1671. You think it very important that it should be clearly understood that only under the most extreme emergency would the volunteers be used at all?—Yes.

1672. Now as to the defence of armouries, you have never had occasion to make any arrangements for defending your armoury?—No.

1673. Do you feel that you have the necessary power to do it?—No; the clause in the regulations it appears to me is rather contradictory to the Act. If I had to defend the armoury it would be against a civil riot, and then I very much doubt if the regulations are not contrary to the Act. The regulation is all right, but the Act is different.

1674. Then as regards service on juries, you think it would be appreciated if the whole force could be exempted from service on juries?—I very much doubt if the men care much about it.

1675. But you think the officers and non-commissioned officers would appreciate it?—I think they would appreciate it.

1676. I suppose you feel that officers and non-commissioned officers stand in somewhat different relations from the privates, because the officers and non-commissioned officers have a considerable amount of duty to do off parade, whereas the privates' duties are confined to parade itself?—Quite so.

1677. And in return for the performance of those duties, you think they would appreciate the privilege of being exempt from service on juries?—Quite so; and I think in addition to that that an officer or non-commissioned officer should be and generally is a great deal oftener on parade than the private is.

1678. Still they have duties off parade as well of a very important character, which demand a considerable portion of their time?—Yes, quite so.

1679. With regard to the instance you give us of the hard-heartedness of the War Office in respect to your range; if you had not signed that lease till after you had erected the building, you would have been able to borrow the money upon the land and the buildings too, would you not?—They told me not. I actually did do the building before I borrowed the money.

1680. Before you signed the lease?—No, I think I had signed the lease.

1681. As I understand the law at present, if you had not signed that lease first, but had built your building (I do not mean that it is the business of a builder to build on somebody else's land), I think you would have been able to obtain the money on the whole value. But you would

Sir *Edward Hill*—continued.

would like that made clearer at all events?—The gentleman I saw at the Public Works Loan Commissioners was very clear and explicit that I could not have the money. If I had bought the land or the lease of somebody else with the building ready on it, they had power to lend me; but as I took the lease and built the building myself, he said they could not.

1682. The moment you signed the lease you completed your transaction?—He never asked me whether the lease was signed or not.

1683. At any rate you think that, if necessary, alterations should be made to enable the commanding officers to borrow money in the direction in which the Act now gives power under certain other conditions?—Quite so.

1684. In your opinion I take it that placing the volunteers under the Army Act would tend to raise their military status?—Yes.

1685. And you think, from your attempts to get money for this drill hall and the replies you received, that there is a feeling in the public, which no doubt you fully share, that all military expenditure for the instruction of the volunteers ought to be provided by the Government?—Yes.

1686. And that their not doing so gives people tacitly to understand that they are not absolutely wanted?—Quite so.

1687. As regards the dearth of officers, is it your opinion that if the service were more closely assimilated to the regulars, and if it was clearly understood that the volunteer force forms an integral and a necessary portion of the defensive forces of the country, that would help to remove the difficulty?—To a certain extent; but the real thing that is wanted is the feeling that a defensive land force is necessary. That is what people do not believe, that the whole thing is necessary. They do not believe that the defensive land forces of the country are necessary; that is the general impression of the ordinary public.

Mr. *Cubitt.*

1688. I understand you to say that you think the difficulty in the volunteers of getting officers is partly due to the belief that invasion is not possible?—That is so.

1689. But if it was understood that the volunteers could be used in the case of an emergency when the country was denuded of troops for other causes, and not because there was an invasion of this country itself, and therefore that the volunteers were really likely to be used at some time or another, then you think that you would be able to get officers more easily?—That is so.

1690. And that that would generally raise the status of the force?—That is so.

1691. With regard to this dearth of officers, I suppose you can get the officers very easily near large towns, but it is in the more country districts that the difficulty is most felt?—Yes, that is so.

1692. That I suppose you know is the case with a great many of the battalions?—Yes, I presume it is.

1693. In reference to discipline, you, I think,

Mr. *Cubitt*—continued.

have usually, of late years at any rate, been in brigade camps?—Yes.

1694. And your brigadier is one of the few brigadiers who are not regular officers?—That is so.

1695. Do you find that he has any difficulty, from the fact of his being a volunteer and not a regular, in maintaining the necessary discipline?—So far from difficulty I should say that he has a better opportunity for doing it.

1696. Because he is more acquainted with the customs of the volunteers?—Yes, and they have the greatest esteem and respect for him.

1697. Do you think that is merely due to the man, or because he is a volunteer and not a regular?—A little of both.

1698. Then, as regards the recovery of fines under the Summary Jurisdiction Act, you said that you had to prove what?—My solicitor officers tell me that the onus of proof rests with me as prosecutor.

1699. Proof of what?—Proof that the man owes the money.

1700. Are you also aware that you have to prove that he is able to pay the fine?—I have heard that too, now that you remind me of it.

Sir *Arthur Hayter.*

1701. Do you consider that granting commissions to volunteer officers on the same term as they do in the militia would be an effective way of supplying officers to the force?—Undoubtedly it would.

1702. More effective than any other?—Probably.

1703. You spoke of calling out the volunteers in aid of the civil power; I suppose you presume by that that the law would be altered as to put them under the Army Act?—Certainly.

1704. That must be done as a preliminary to their being called out?—Certainly.

1705. Do not you think that there is great danger in the fact that they might be called upon to fire upon their neighbours, and that they would then be civilians firing against civilians?—No; they would be to all intents and purposes a military force.

1706. But they would be residing in the neighbourhood?—They would have the more interest in keeping order there.

1707. I want to ask you what special advantage you attach to placing the volunteers under the Army Act; is it to raise their status, or is it to improve their discipline?—It is to raise their status; but, as I said when the Chairman examined me, the power that we really have of dealing with offences under the Volunteer Act is greater than it would be under the Army Act.

1708. You consider that the power of dismissal in the hand of the commanding officer of volunteers is really a greater power?—That is so.

Sir *Edward Hill.*

1709. Are you aware that during the apprehension of Fenian disturbances an order was actually issued by the general commanding the district that an armed guard was to be placed

Sir *Edward Hill*—continued.

over the armouries?—I do remember; and I think the legality of it was questioned.

1710. The order came from the general?—Yes.

Mr. *Cubitt.*

1711. In answer to Sir Arthur Hayter, you said that you thought you would get officers for the volunteers easier if they were allowed to get commissions in the army?—I presume he meant in the same way as they do get them from the militia.

1712. Quite so; but, then, do not you think that you would get a lot of young men who would only stay a very few years, and be no more use to the volunteer force?—The result in the militia is that only about one in five of those who go into the militia, with the view of getting into the regular army, succeed in getting in. If the volunteers were placed on the same level in that respect there would be more candidates for the same number of places, and the result would be that still less than one in five would go into the regular army, and of the balance we should retain a great many as officers of the volunteers, undoubtedly. At the same time it would raise the tone and the social standing, if I may say so, of the officers of the corps.

Mr. *Cubitt*—continued.

Colonel Sir Edward Stock Hill, K.C.B. (a Member of the Committee), Examined.

Chairman.

1713. You are a Member of this Committee?—I am.

1714. But as Commandant of the Glamorganshire Artillery Volunteers you desire to give some independent evidence. Will you tell us of what your corps consists?—It consists now of two corps, one in the eastern end of Glamorganshire, and the other in the western end; 11 batteries in one instance, and seven in the other.

1715. And you have had a very long service?—Within a week or two of 30 years as colonel.

1716. You have, in common with other members of the Committee, heard a great deal of evidence bearing upon proposals which point to an alteration or an amendment of the existing law; and I desire rather to avoid troubling you for opinions bearing upon the interpretation of anything on which there might be a difference of view; but the Committee would be much obliged to you for any testimony that you may give arising out of your own practical experience, especially upon points which you do not think have been fully dealt with by previous witnesses. I understand that you, in common with most of the witnesses who have been before the Committee, think that it would be advantageous to expand the terms and conditions under which volunteers may be called out for actual military service?—I do.

1717. And you incline to think that a more elastic term, something like "in case of actual emergency" would be more desirable?—I do; I can conceive it quite possible that circumstances may arise which would necessitate the country being denuded of regular troops, and possibly a large part of the militia. In that case it seems to me to be extremely undesirable that our great fortresses should be unmanned. Although it might not, perhaps, be able to be said that there was an actual apprehension of an invasion, or that it was necessary to startle the nation by calling out the whole of the volunteers, it would be extremely desirable, and would tend to prevent the possibility of invasion, that Her Majesty should have power to avail herself of the services of a portion of the volunteers, particularly, if possible, the artillery for the manning of these forts; and their services I am quite sure would be most readily offered; and it might be so arranged as to cause the minimum of disturbance to the general occupation of the men.

Chairman—continued.

1718. From your own experience you arrive at the opinion that volunteer artillery and volunteer engineers would be likely to render important service at a very early stage of a state of emergency?—I have been informed when I have been on military duty at Plymouth that a very large portion of the defences there would be entrusted to the volunteers; and it would be absolutely necessary that they should have some time to become acquainted with the duties of those fortresses; because in many instances (taking my own corps for example) they have no opportunity whatever of seeing the guns which they will be called upon to use, much less of becoming acquainted with the internal arrangements of the fort, the magazines, the lifts, and all that sort of thing.

Mr. *Brown.*

1719. The same thing would apply to the Portsmouth Naval Volunteers?—Yes; and I think it would apply to all the great fortifications which protect our arsenals, and Pembroke as well.

Chairman.

1720. I rather gather that from your own experience also, you concur in the views that have been generally expressed by the witnesses, that the holding of general meetings for the discussion of rules, finance, and other matters of that kind, is attended with inconvenience and is undesirable from the point of view of discipline?—Utterly undesirable and totally unnecessary.

1721. And you think that if rules were agreed upon under the sanction of the War Office, the volunteers joining the corps should be required to accept them and should be bound by them without having any part in the framing of them?—Certainly.

1722. Or in revising them?—Certainly. They ought to be given to them; and if there should be any alteration hereafter made of an important character it should be explained to them, so that they might have the opportunity of determining their service if they wished to do so. As to finance, I may mention the plan adopted in my corps

Chairman—continued.

corps, for a large number of years now. There is a regular finance committee appointed by me, but the finance business is done at the officers' monthly mess; there is an officers' monthly mess; it has been going on for the last 34 years, and at this mess the accountant appears with the bank book and the order book and other books, and anything not trenching upon my prerogatives as commanding officer is there discussed and noted and minutes made of it; so that every officer has an opportunity, if he pleases, to make himself acquainted with what is going on in the finances of the corps.

1723. Is there any kind of audit of the accounts?—The accounts are made up annually, and a copy of them is posted in the orderly-room.

1724. And are they submitted to the War Office?—Yes, an abstract is sent, according to the regulations.

1725. The accounts so prepared must be signed by members of the finance committee?—Yes. Although they are posted up in the way I have mentioned, I do not know that anybody ever comes to look at them. If there were a possible surplus to dispose of I daresay there would be greater curiosity.

1726. Now, are there any points you would like to speak upon with reference to the maintenance of discipline; I assume that you regard the power vested in the commanding officer to dismiss an undesirable volunteer as very serviceable?—Very much so. It is very seldom that I have had to exercise that power, but whenever I have had to do so it has had a very serious effect. I should be very sorry to see it given up; in fact, I think the whole discipline of the volunteer service would go if it were.

1727. But, notwithstanding that opinion, do you think it would be expedient to bring volunteers under military law, under certain circumstances, where they are now exempt?—I do.

1728. To what extent would you conceive it to be desirable?—My experience has been that whenever they have been under the Army Act, which of course I have had carefully explained to them beforehand (they have had the clause particularly affecting them read out on parade), I have not found it make the slightest difference at all. I would certainly put them under the Army Act, because it would do away with a certain kind of reproach that attaches to them now, when people may say, "You are a civilian, and have nothing to do with the army at all." I would rather they were looked upon as being like their brethren in the militia, who, like themselves are subject to certain provisions. I think it would tend to raise the military status of the force, a point to which I attach the highest importance.

1729. Under those circumstances, would you make them subject to military law?—Personally I do not think there would be any objection to their being under the Army Act whenever under arms.

1730. And you would give, in your own mind, a rather wide interpretation to the term "under arms"?—Yes, certainly; extending it to all parades in uniform, and to all times when the men were without uniform, but were parading the streets with arms in their hands, or with artillery, when they were drilling with guns, or drilling in a fort, as they sometimes do, not in uniform.

1731. It is conceivable that you would apply it to the artillerymen when they were neither in uniform nor having arms in their hands?—Their arms are guns; they cannot carry them conveniently. I should say that it should certainly apply to them. Of course they often go into a fort for practice not in uniform.

1732. And it would be convenient, you think, under any such circumstances as you describe, that the Army Act should apply?—I think they would be more respected if it were understood that they were under it.

1733. Do you go so far as to say that every time the volunteers were made amenable to military law they should be informed of the fact?—They should be informed of the fact. Assuming that the result of this Committee were an amendment of the Act of Parliament, placing them under it, they should be informed of that circumstance, certainly.

1734. And informed generally or specifically on each occasion, do you mean?—Informed generally, I have always found the discipline of the volunteers extremely good, and the men very amenable. Of course where you have a large corps of 1,400 or 1,500 men you cannot expect to have them all perfection; there may be from time to time a little difficulty: but as a whole the result of my experience is that the men are only too glad to be under proper discipline.

1735. I understand you do not approve of the idea which has been suggested of placing the officers, the commanding officers particularly, permanently under the Army Act?—I do not think that would be desirable. I think that the whole force should be placed under it. I have no objection to the officers being placed under the Army Act; I do not think any officer would object to it; but I do not see why commanding officers or officers generally should be singled out. I think it should apply to the whole service, though of course I appreciate the difference between an officer and a volunteer.

1736. Do I gather that you think that a course of assimilation of volunteer law to military law would be regarded as improving the status of volunteers, and while making the Service more onerous, as making it at the same time more acceptable or appreciated?—I do not think it would make it more onerous; it would make it perhaps more honourable.

1737. Would it not make it more onerous if volunteers were liable to be called out for actual military service under the conditions which you have suggested, rather than, as now, in case of actual or apprehended invasion?—I do not think so. I fail very much to see the difference between "great military emergency" or "great emergency," or "national and Imperial emergency," and "apprehended invasion." I feel quite certain that no Government would ever call out the volunteers except there was an absolute and positive necessity for the nation that

Chairman—continued.

that it should be done. I do not think the mere wording is of any great importance.

1738. Then you do not attach so much importance as other witnesses have done to an alteration of the terms of the statute?—I think it would be approved by the great majority of the officers and men in the volunteer service.

1739. You think that after all the responsibility must rest with the Secretary of State to interpret the terms of the Act, however they may be phrased?—Certainly, he should have that power.

1740. Now let me ask you your opinion in reference to the processes for the recovery of fines, penalties, and so on: in your experience has there been any actual inconvenience in that respect?—I have not had much experience of that. I do not think that on the occasions on which it has been attempted to recover fines they have been very considerable; and I think the general feeling is that there is so much trouble and bother about it (not expense perhaps) that it is not worth it; and I do not think it is done, except only in some special cases.

1741. Do you think it sometimes happens that in consequence of the inconvenience of recovering these fines proceedings are not taken, and that a man may be dismissed whose offence might be satisfactorily met by a fine?—I think it very possible that may be so. You see there is a very great difficulty in a commanding officer proving that a man can pay a fine; I do not see how it is possible for him to do it; and of course the waste of his time or his adjutant's or sergeant-major's time in going up to the police court in endeavouring to get this fine, is a serious matter.

1742. The magistrate has to judge, has he not, as to whether the man can pay the fine?—I think I understood it to be said that the onus of proof that the man can pay the fine rests now with the commanding officer.

1743. The magistrate may call upon the commanding officer to testify to the power of the man to pay the fine?—I am told that the fine is much less effective than it might be in consequence of the time given sometimes for paying. It is represented to me that there should be a limit; for instance, that if a 2*s.* 6*d.* fine, it should be payable within seven days; if a 5*s.* fine, within 14 days; at any rate some shorter limit of time than is now the practice.

1744. But I suppose those criticisms would apply equally to the infliction of fines at Petty Sessions for any kind of offences?—Possibly; but they are only applicable here with regard to the efficiency of fines as a mode of punishment. If they are very difficult to get and inoperative, they will hardly be resorted to.

Mr. *Brown.*

1745. I do not know whether your experience agrees with mine, that when for the sake of discipline fines are imposed, the first effect of them is that the man never appears again on parade?—My own feeling would be that a man who really required fining should retire from the service altogether.

Chairman.

1746. Something has been said with regard to the difficulty of recovering arms and property of a corps from defaulting members, as to the necessity of applying for search warrants, for instance, obtaining them from a justice of the peace; has your experience taught you anything particularly with reference to that difficulty?—I have had sometimes a little difficulty in recovering arms. I think there should be very summary powers if you have reason to believe that a man has improperly used his arms or allowed them to be in the hands of an improper person and out of his own custody. If you have reason to believe that a certain individual has them, I think there should be some power, without any great loss of time in applying for search warrants or things of that kind, some more summary powers than are now possessed.

1747. But would you go so far as to say that you would give to the volunteers themselves the power of searching for missing property without the intervention of the police or the authority of a justice of the peace?—Possibly this might meet it, that a policeman should accompany the sergeant who went to look for it.

1748. But that it should not be necessary for him to apply for the authority of a magistrate?—I think that might possibly be dispensed with. You see it is Her Majesty's property that is at stake.

1749. Now, the question of the custody of stores is, of course, one of great importance, and in the course of your experience you have had some apprehension under certain kinds of civil disturbance, as to the security of your arms, have you not?—Yes.

1750. Will you tell the Committee what your experience was?—I forget how many years ago it is, but during the time already alluded to when there was the Fenian scare, I found one Saturday that the Collector of the Customs at Cardiff had received instructions from the Government to take measures for protecting his Custom-house, and that arms had been sent for the purpose. Upon ascertaining that fact, and having 800 stand of arms and field guns under my custody, I availed myself of what I considered to be the powers in this Act, and I called out 100 of my gunners, with suitable officers, and established a guard on the armoury; and the rifles, who also had a considerable number of arms, followed suit; so that, from Saturday afternoon until Monday morning there were 200 men, who were relieved from time to time, ready to defend these arms in case of necessity. I reported what I had done to the late Sir Edward Campbell who commanded the district, and he came in on the Sunday, and then I told him I would do what he pleased; and he directed that the guard should be maintained until the Monday morning, when two companies of the 23rd, which had been applied for by the mayor, appeared; then the guard was withdrawn.

1751. But had you any misgiving in your own mind as to your having authority for the course you then took?—I had no misgiving whatever, and I considered that if the Government of the day (I forget which Government it

Chairman—continued.

it was) felt that the danger to their Customs was so great as to necessitate special orders and special precautions, it was high time that I took special precautions regarding my arms which might have been taken away from me at any moment.

1752. But if you had not taken such precautions, and your stores had been attacked, do not you think that you would have been guilty of something like culpable negligence?—I think so.

1753. At the time you speak of, did this Regulation No. 455 exist: "In the event of an attack upon their storehouses or armouries, members of the volunteer force may combine and avail themselves of their organisation to repel such attack, and to defend such storehouses and armouries, and for such purposes may, if the necessity of the occasion require it, use arms"?—I believe it existed at that period. If it had not been there I think even without that clause I should have felt I was culpably negligent had I neglected to take care that my arms were not taken away from me.

1754. But in the face of that regulation do you suppose that any commanding officer could have any doubt as to what his duty would be?—I do not think so assuming an attack on the storehouses to take place; if he had to use his rifles or carbines or guns, he would be covered by that.

1755. But do you think it expedient that that authority should be specifically incorporated in the statute law?—Any further than now, do you mean?

1756. It now has the force of a War Office Regulation I understand?—Yes.

1757. Do you think it is desirable that it should have behind it the force of actual law?—I should think it would be very desirable. I always looked upon it as being actual law.

1758. At any rate you are of opinion that there ought not to remain a shadow of doubt as to the expediency of such a course, and as to the powers of a commanding officer under circumstances of such a kind?—Not the least; it is his duty to see that his arms are properly protected.

1759. Now, a great deal has been said to the Committee with reference to the expediency of giving exemption to volunteers from jury service; do you think that that exemption if granted at all should be limited, or should be in any sense conditional?—I think the whole of the volunteers would consider it a mark of favour, a boon, if it were granted to them all; but if that were considered to be too large, to be too great a revolution, then I think certainly that the officers and non-commissioned officers have special reasons for asking for this indulgence. They have, irrespective of their duties on parade, devoted a considerable amount of time to business arrangements and other matters connected with the service, and in return for that expenditure of time I think they may fairly ask to be relieved from further expenditure of time in the public service by service on juries. I believe it would be much appreciated. I believe, as a fact, at the present moment the only office that exempts you from service on

Chairman—continued.

juries is that of a Commissioner of Income Tax.

Mr. *Brown.*

1760. Veterinary surgeons are exempt, I believe?—I did not know that.

Chairman.

1761. You remember that Mr. O'Dowd pointed out that the exemption in case of military officers only applied to those who are on full pay?—Yes.

1762. That an officer on half-pay or an officer on retired pay is liable to serve?—We are always on full pay.

1763. And consequently you ought to be always able to claim exemption?—Well, I think we have a claim for it in that respect.

1764. A great deal has been said about the dearth of officers from which the volunteer forces of the country are suffering, and as to the reasons for it; I do not want to tempt you into giving opinions merely of an administrative character, but will you, with that proviso, give the Committee your views with regard to what might be done to get over the difficulty?—I think the difficulty, and it is a serious difficulty, in fact I think it is the only difficulty that I see in the possible continuance of the volunteer service, is only to be met by rendering the volunteer service more popular in the eyes of the officer-bearing class, if I might coin a word to express what I mean. I think it is highly important that it should be felt that the volunteers are not merely a number of more or less drilled civilians, whose services are permitted to be offered to Her Majesty, but that they form an integral and absolutely necessary portion of the defensive force of the country. I think that is the first thing that we require. At present perhaps that is not so fully felt as it might be, and there are circumstances which cause it not to be fully felt. The mere question of officers sometimes having to incur heavy responsibilities to provide the necessary means of teaching their men soldiers' duties is a very serious, shall I use the word, "degradation" to the service. I think I may say that, because the public naturally say, "If these men are not necessary they ought not to exist, and if they are really necessary the Government would naturally provide everything needful for their military education." Now, it has been said that the expense upon officers is too great, and some suggestions have been made of a sumptuary character as regards uniform, and so on. I do not think that has anything whatever to do with it. I think the private expenses of an officer are not such as to prevent young men joining. In a well-regulated regiment he would have 40*l.* to pay for his outfit, and 10*l.* ought to cover all he is called upon to find during the year. It does with the officers in my corps, and that includes the three guineas subscription to the monthly mess. But where you put upon them, as one witness said, a share of the responsibility for something like 4,000*l.* or 5,000*l.* for a drill hall, they must be supposed to fight a little bit shy of it. I think if you were to adopt any sumptuary regulations you would decrease the attractiveness of the commission;

Chairman—continued.

and my own view is that all the officers and men of Her Majesty's Service ought to be dressed alike, because I assume that the regular army knows what is the best equipment for military service, and I think the question of military service in the field is quite sufficiently strong to carry with it that all the officers and men should be dressed the same as the territorial regiment in the service to which they may be allocated; of course, with distinctions on their shoulders. That is my view of the question of the dearth of officers as far as that goes. Still, I am perfectly satisfied that raising the military status of the service is the only means by which we shall secure a sufficient supply.

1765. And you think that that would be done by a closer approximation and assimilation of the volunteer service to that of the regular army?—I do.

1766. In that respect I suppose you will admit that you are departing very much from the original theory upon which the volunteers were established?—Well, a good many changes have already taken place in that direction.

1767. The tendency, for instance, to look to the State for what now amounts to very considerable contributions of public money not contemplated at all when the volunteers were first organised and their services accepted?—Of course, in the earlier stages their uniforms had to be provided, either by themselves or, as many officers know, by the officers.

1768. Their arms and their general expenses also?—Not the arms; I think the arms were always given, but the uniforms certainly not as I am painfully aware.

1769. Do you know of anything besides arms that was furnished by the State?—I do not think anything but arms.

1770. And ammunition? — Yes, arms and ammunition. Since then the system which I have described has all been done away with, and now there are practically very few regiments in which the privates subscribe anything to the equipment.

1771. Then you approve of the general tendency that has been in operation, but you would carry it much further?—I would.

1772. The tendency, that is to say, to make the volunteer force a recognised part of the service for the defence of the country, amenable very much to the same discipline as, and more closely associated in character and in responsibility with, the regular army?—That is so.

1773. Then, would not that involve the giving of much larger powers to the War Office in regard to the limitation it might be of numbers; that is to say, in regard to only accepting the services of such a number of volunteers as clearly might be employed with advantage in the event of emergency?—I should be very glad to see such a regulation.

1774. Would you rather see the amount of money now voted by Parliament expended upon a smaller number of men, provided that greater efficiency could be ensured than distributed as now over a larger number of men of, shall I say, smaller efficiency?—Yes, I think it would be desirable. At the same time if it came

Chairman—continued.

to a question of the limitation of the numbers, I think that involves another question also, that is the particular form in which volunteers' services should be required. For instance, I think it goes without saying that where you are in the neighbourhood of the sea coast, artillery, possibly engineers, should be the predominant arm, leaving the infantry more for the interior. I think arrangements of that kind would be very desirable, and in some instances it would do away with a rivalry which is not altogether quite desirable.

1775. Now, I daresay it may be within your own knowledge that under the mobilisation scheme the Government have insisted upon position batteries, for instance, in some cases in lieu of garrison batteries?—Yes.

1776. And that they have found it necessary to decline the services of certain companies which they thought could not be profitably and advantageously employed?—I know that from my own personal experience. I made two applications for two batteries, the officers and men of which would be forthcoming, but the Government have not seen their way to accede to my request on the plea that for their particular purposes they have sufficient artillery there.

1777. But upon this general policy, of which I understand you approve, that the volunteers should be recognised as a responsible permanent body available in conjunction with the regular forces for any emergency in which they may be called upon to serve, may I take it that you think the Government is justified in limiting the number and the character of the forces to what is regarded as most likely to meet the local requirements?—Certainly, that is my opinion.

1778. And then I gather that you think that the more that is recognised the more would the volunteers themselves appreciate the value at which their services were assessed?—My experience has been that the more military the service was made the more acceptable has it been both to the officers and men, of course always remembering the fundamental principle of volunteering, saving the man his power of retiring at the end of 14 days.

1779. You have already expressed your approval of the general tendency to have the expenditure met from the public funds rather than from funds voluntarily subscribed?—I consider subscriptions to supply volunteers, such as we have seen lately not far from here, with their necessary equipment, simply degrading to the service, and I would decline to accept any such assistance.

1780. I am afraid we could not expect our colleague Sir James Whitehead, if he were here, to concur in that opinion?—That is very kind of him.

1781. But you approve of the action of the Government in following up the private initiative of the then Lord Mayor by expending public money in completing the necessary equipment?—I consider briefly this: that the volunteer should be called upon simply for his time, and that everything that is necessary for his military training ought to be provided at the public expense; and when he has to travel and that kind

of

Chairman—continued.

of thing, to go to camp and military exercise, he should be treated very much the same as the regular Army would be. With regard to the officers, I think it would make the service more popular if better encouragement were given to attending schools of instruction. Now the officer of volunteers is placed under a disadvantage as compared to his brothers in the militia; I think that ought not to be; I think he ought to be encouraged to go to these schools as much as possible.

1782. You said just now that you would expect everything to be provided for volunteers in return for their giving up their time?—Yes.

1783. You are aware that in the case of one particular kind of service, even that has been found to be insufficient; I am speaking now of the submarine mining corps?—I will put it in this way: if you call upon a volunteer for a special kind of service which deprives him of the opportunity of following his ordinary avocations, then I think you are not in any way conflicting with the free character of the service by paying for that. What I mean by that is this: the volunteer may be expected to give his free time; if you wish to take his income-earning time as well, you ought to pay him. For instance, if you called him out for service I presume he would receive payment; and now, I think, if you take him to a camp it would hardly be called paying him if you gave him some kind of allowance. As a matter of fact they have to have some kind of allowance.

1784. Is there an engineer corps in connection with your district?—There is a corps of submarine miners; a company or two.

1785. Do you know anything of its operations?—Very little.

1786. But it is being worked by volunteers?—Yes.

1787. And there is no probability of its being converted into militia?—I never heard it suggested at all.

1788. May I ask you upon the general question of the conversion of volunteer corps into militia; will you favour the Committee with your opinion?—I think it should only be under very special circumstances, if I may say so. I said to Lord Bury's Committee some years ago that I should myself be very pleased to see the present Ballot Act for the militia put into operation, the number of volunteers being limited, and the sole exemption from it being the fact of being an efficient volunteer; but perhaps we have hardly arrived at that stage at present; but if that could be done the whole difficulty about officers and everything else would entirely disappear.

Mr. *Brown.*

1789. I will ask you one question further about this question of men under arms being put under military law; you would take it to the extent of men on parade, with Government sanction, of course?—Yes.

1790. You would take it to men employed in working guns, gun squads, whether in uniform or not?—Yes.

1791. Would you take it to the extent of men who may take out carbines or rifles for the purpose of shooting on the range?—Yes, I would, with arms in their hands.

1792. In fact, it would be a question of permission that they could get those arms out now, and ought they not to be under discipline in those competitions with carbines?—I think all small-arm practice ought to be carried out strictly under instruction.

1793. They might have permission to go out and take their arms; but the officers were not present; it was done more by voluntary arrangement; would you put them under the military law?—I should think so; I do not see any inconvenience attached to it at all.

Mr. *Wason.*

1794. You stated that you thought it would be a good thing if the volunteer artillery and engineers could go to the forts of Plymouth and Portsmouth occasionally in garrison?—I do not know that I stated that, but it is a good thing. I have been several times myself with my companies, and I attach the highest importance to it.

1795. But at any rate it is necessary that they should go to camp sometimes?—Yes; and I go further, and I think it very necessary (there comes in the question of expense) that wherever there is a large corps of artillery there should be at least one of the kind of guns for them to fire, which they would have to use when they got into the forts for which they are destined.

1796. What guns do you work with; the forty-pounder or the fifteen-pounder?—I have got all sorts of guns, seven-inch mounted on those obsolete carriages which go down sometimes, and will not go up, and go up and will not go down.

1797. That (*handing a paper to the witness*) is a list of the expense of taking two batteries of men into camp; you see it comes to something like 413*l.*?—The difficulty of an artillery camp is the moving of the material. It is no good going into camp if you have not your appliances there, and of course it is no good going into camp with batteries of position without horses. I had field guns given to my corps, and they had to be horsed six times a year, and there was no allowance. Then, of course, if you go into camp you must have the guns, if it is to be for a useful purpose.

1798. The expense there is 413*l.*, and towards that the company has only received an allowance of 100*l.* from the Government; so that the officers virtually have to put their hands into their pockets to the extent of 313*l.*?—I do not think you will have many officers under those circumstances; but, no doubt, taking guns into camp must be expensive.

1799. And do you think that that should be borne by the State?—Assuming it to be desirable that we should go into camp, I think the State ought to pay the whole expense.

Mr. *Gourley.*

1800. I think you are in favour of the State paying all the expenses connected with volunteering?—Connected with military training and instruction.

Mr. *Gourley*—continued.

1801. Not the whole of the expense?—Not giving them prizes.

1802. Everything but prizes?—I do not refer to the uniforms of the officers.

1803. But in the event of the State agreeing to defray the major portion of the expense, would you abolish the right of the volunteers to resign in 14 days?—I should be very chary about abolishing that right.

1804. Do you think it would increase the efficiency of the volunteers if the right to resign in 14 days were altered, say, to three months?—I do not think it would make very much difference.

1805. You have not found any inconvenience from the right to resign in 14 days?—No, I do not think I have; I do not recollect at the present moment, but I think that a man who wanted to go off in that hurry would not be of much use.

1806. When would you recommend placing the volunteers under the Army Act, when in camp, or generally?—Whenever they are under arms.

1807. Even when engaged in skeleton drill?—They would hardly be under arms then, would they? I see no possible inconvenience that could arise to anybody then, whether they are under the Army Act or not. The great power that you have is the power of dismissal.

1808. Have you any great difficulty in obtaining officers for your regiment?—I am fairly off now. In one district I have great trouble in getting officers.

1809. Do you recommend that volunteers should have similar privileges to those now possessed in connection with the militia in regard to obtaining commissions in the regular Army?—I think it would be very desirable, if the connection between the volunteers and the regulars could be cemented, if I may use the term, by admission to competition for the army commissions, somewhat of the same kind as happens in the case of the militia; it would be an encouragement and raise the tone of the officers; it would be a general raising of the status of the service, which I deem to be so important.

1810. Did you ever promote any of your men from the ranks?—Well, the greater part, I think I might say almost the whole, of my men are of the artisan class, who would not wish themselves to obtain commissions and probably would not be of the right class to have them.

1811. Do not you think that it would improve the status of the volunteers generally if you promoted good men from the ranks?—No, I do not think it would; it would have the contrary effect. It would depend very much upon the case. You might have a man of the proper social status in the ranks; and because he had been in the ranks that would be no possible reason why he should not be promoted; but if you were to take a day labourer and promote him to an officer you would put him in a false position, entailing upon him an expense which, though to other classes it would be a mere trifle, would be uncomfortable to him; in fact he would be out of his position altogether. I know one or two instances in which corps have been ruined through appointing persons as officers who ought not to have had Her Majesty's commission.

Mr. *Gourley*—continued.

Chairman.

1812. In brief, you think that the social position of the officer is important?—Of the highest importance.

Mr. *Gourley.*

1813. Have you had any experience with regard to the recovery of fines?—No very great experience. I think they are very seldom attempted to be recovered.

1814. Are you aware whether there is any difference between the recovery under the Summary Jurisdiction Act and the Act of 1863?—I really cannot tell you, excepting that if the 1863 Act places the onus of the proof of capability of payment upon the officer commanding, then there is a very serious difference.

1815. I suppose a commanding officer may abstain from putting the Act in force for recovery of fines for fear of making the corps unpopular?—I do not know; I do not think there would be any sympathy amongst the rank and file of a corps for an individual who had rendered himself liable to a fine.

1816. Would it not prevent a corps from getting recruits?—No, I do not think so.

Mr. *Cubitt.*

1817. With regard to your evidence about equipping the volunteers and providing them with places to drill in, and all that sort of thing, I understand that really you would be in favour of putting them in exactly the same position as the militia, except that they would do some of their drills in their spare time, and therefore they might be supposed to do with a shorter training than the militia, in fact exactly as the yeomanry do now?—I do not think I quite understand what you wish me to say in this matter. As a matter of fact the volunteer is drilling all the year round, and although nine drills are all that is required of him, as a matter of fact the average of my own corps was 53.

1818. That is exactly what I mean; you would suppose that the volunteer could be made as efficient as the militia by a shorter training, by reason of his doing drills in other parts of the year?—Yes; as a whole the volunteer now makes himself efficient in the evening hours, in his hours of leisure. It is a wonder to me that they come at all after a day's hard work. They come there and spend an hour or an hour and a-half in pulling about guns.

1819. That is exactly the case with the yeomanry now; they can become efficient therefore in a shorter training than the militia?—Yes; but there is this difference, that the yeomanry have a certain number of drills which they attend in the year, and have a certain amount of almost compulsory drills when they come out of their 10 days' training; you could not do that with volunteers.

1820. You would not make the training compulsory, supposing the Government gave all the extra allowances you think fair?—I would if I could; I rather think it would be difficult. For instance, in one of my corps it is quite impossible

Mr. *Cubitt*—continued.

sible that I can ever put all the men on parade at the same moment, because their avocations are such that some portion could not come. They work some at night and some in the day, and you could not get them all together, it would be impossible.

1821. I was going on to ask whether you would be inclined under these conditions to say that a smaller number paid more highly would be of as much value as the present large number of less efficient men?—I do not know entirely about that, because you must recollect that a half-drilled man (I am speaking of artillery, mind) is easier made an efficient gunner, at all events, than if he has not been drilled at all; and when I tell you that I took 500 or 600 men to Plymouth, and the great majority of them had not seen a fort, or the interior of a fort, or the guns, and it was a new drill altogether; but in four days they acquired it sufficiently to be able to knock a moving target down, you will see what I mean. But I should be rather disinclined to seriously diminish the force, though I should like to see some extra inducement to attend these camps of instruction in the regular Army, to go into camps and into forts. I think it would quite possibly be worth the while of the Government to make that a little more easy than it is at present.

1822. Colonel Brown asked you a question about small arms competition and discipline, but I think now, under the Volunteer Regulations at such competition as he was speaking of, an officer or sergeant instructor must be present, and therefore the men are under the same discipline now?—I do not know much about the small arms competitions; I have always discouraged them and stuck to my guns; but my own opinion is that no firing ought to be allowed without some responsible person being there to look after it. I think there are several instances of accidents in consequence of carelessness which would be prevented if some responsible person were present.

Sir *Arthur Hayter.*

1823. Are "imminent national danger" the best words to substitute for actual or apprehended invasion?—I was rather struck with Major Ruck's phrase, "actual military necessity;" the word "emergency" seems to me almost to cover the whole thing; I do not know what you can say stronger than "emergency."

1824. "Emergency" is a much wider term than "danger?"—Emergency can hardly arise without danger.

1825. It would include more?—It would give Her Majesty the fullest powers to accept the services of her volunteers when the Secretary of State thought they ought to be used for the national benefit.

Sir *Arthur Hayter*—continued.

1826. Do you agree with the last witness as to the advisability of calling out volunteers in case of riot?—I do not think it is at all desirable, but I can conceive it possible that there may be some extraordinary emergency where the police are in small numbers and overpowered and no regulars immediately at hand, and where serious damage, which might destroy national memorials and all sorts of mischief, might take place, in which the volunteers with their arms might be usefully employed; but I am very much opposed to using the volunteers at all in aid of the civil authority. Then that emergency which is suggested is covered by the words of the Act; I think the mayor might call upon the volunteers to assist him; but I do not think they could go in uniform, which I think would be a disadvantage; I recollect once being asked by the Mayor of Cardiff to make some provision for a possible emergency which he thought might happen, and I did organise my men, but strictly as civilians with a white band round their arms and truncheons in their hands; but they were under non-commissioned officers and officers all the same. I availed myself of the military organisation. That is clearly contemplated in the Act as being a possibility; it says that they may use, if necessary, other weapons.

Chairman.

1827. On the occasion that you speak of the men were not sworn in as special constables?—They were not; whether they would have been I do not know. The precaution possibly caused the avoidance of the emergency.

Sir *Arthur Hayter.*

1828. Did you say that you thought offering commissions, as in the militia, to the volunteers would be very effective in obtaining officers for the volunteers?—That is my opinion. I should like to qualify the word "very"; it would be effective.

1829. Not the most effective means?—It is one thing that would tend to tighten the relations between the regular Army and the volunteers.

1830. Do you desire any change in the terms of the volunteer claiming his discharge?—No, I am not prepared to alter that.

1831. You think 14 days' notice the best?—Under the present arrangements I think so. If the Ballot Act for the militia were introduced it would alter the whole question; but I hope by judiciously raising the status of the volunteers that the dearth of officers will cease, and then I see no reason whatever why the volunteers might not go on for an indefinite number of years with the same zeal as formerly; but if gentlemen do not come forward and accept commissions it is inevitable that the service must sooner or later fall away.

Colonel E. J. A. BALFOUR, called in; and Examined.

Chairman.

1832. You are Colonel of the London Scottish Rifle Volunteers?—Yes.

1833. You desire to favour the Committee with some expression of your opinion with regard to the regulations bearing specially on the relations of the volunteer forces to the civil power?—Yes. I have for some years been anxious to have this matter brought forward, and I think it has rather increased in importance since the Report of the Committee on the Featherstone Riots, which very clearly laid down what the law was on the subject. Sir Albert Rollit, who is on this Committee, was a member of that Committee, and, of course, will be fully aware of the facts. In the Volunteer Act there is not a single word said on the subject of duties in aid of the civil power at all; and the Secretary of State, as far as that Act is concerned, has no power to make any regulations on the subject, and these regulations that now exist therefore must be made as an interpretation of the common law on the subject; and they seem to me to differ in one or two points from the common law as defined by the Committee on the Featherstone Riots; on one or two important points. May I point out that, at page 281 of the Regulations (this is preliminary to anything else) under the heading "Regulations," those few lines give Her Majesty's Principal Secretary of State power to make regulations as to "The appointment and promotion of officers; and The Assembling and Proceedings of Courts of Inquiry," "and for the full execution of the Volunteer Act, 1863;" but as the Act of 1863 does not mention the subject of duties in aid of the civil power, clearly the Secretary of State has no power under it to make regulations on the subject.

1834. I take it that you are familiar with the statute law affecting volunteers generally?—Yes.

1835. I mean to say, not merely the Act of 1863, but the subsequent Acts?—I believe I have read them all carefully.

1836. And have found that they are all silent on the particular question you are speaking of?—I think so; I believe I can say that with certainty.

1837. But then we turn to the regulations in which there is a special section which deals with the duties of volunteers in aid of the civil powers, and it is particularly with regard to the nature of those regulations, I suppose, that you desire to give your opinion?—Yes.

1838. So far as they are or are not consistent with what is understood to be the obligations of common law, and especially those obligations as interpreted by the Committee appointed to inquire into the unfortunate disturbances at Featherstone in September last year?—Yes; but also a slightly broader question, whether (apart from the question whether these regulations are in accordance with the common law or not) they are desirable in themselves. There are one or two points in which I think they might act badly. I will point them out as we go through them.

Chairman—continued.

1839. Let us see, first of all, that we quite understand what are the obligations and duties of the volunteer force, as interpreted in the War Office Regulations. It is laid down on page 103, that "the civil authority is not in any case entitled to call upon or order volunteers to act as a military body in the preservation of peace"?—Supposing that a volunteer force of any kind was out on duty, had been called out simply to drill in Hyde Park, say, or for any other purpose, and it so happened that by accident they either came into collision with a riotous mob, or were called upon by a magistrate or civil authority of any kind, to assist that civil authority, the effect of that regulation taken in combination with the others, would be that the officer commanding that force would be unable to use his military organisation to carry out the instructions of the civil power.

1840. But although he might not be empowered to employ them as a military force, might it not be competent for him to call upon them as citizens to play their part as individuals in the preservation of the public peace?—In other words, the military organisation would then melt into nothing, and instead of having a trained body of men capable of obeying orders and adopting the necessary formations, and under proper restraint, you would immediately turn those men into so many hundreds of a mob armed with their rifles and bayonets, and without any possibility of keeping them in hand.

1841. But do not you think they would be able to act as special constables in something like form and organisation?—They would have to elect their officers and go through the various forms that constables have to do.

Sir *Arthur Hayter.*

1842. But they would have to change their uniforms, to begin with?—According to these regulations. I may say that I asked the only surviving Member of that Committee besides Sir Albert Rollit, I mean Mr. Haldane, yesterday about this point. Of course I cannot give it except as a hearsay opinion, but he was strongly of that opinion, that those words, "The civil power is not entitled in any case to call upon or order volunteers to act as a military body in the preservation of peace," are not in accordance with the law. He says, in that respect volunteers are exactly like regular soldiers, and if under discipline they would be liable to be called upon to act as a military body, though they would not be liable to be formed as a military body, and called out for the purpose if they were not a military body.

Chairman.

1843. In the Report of the Featherstone Committee, of which Mr. Haldane was a member, it is laid down that "Officers and Soldiers are under no special privileges and subject to no special responsibilities as regards the principle of the law. A soldier for the purpose of establishing civil order is only a citizen armed in a particular

Chairman—continued.

particular manner. He cannot, because he is a soldier, excuse himself if without necessity he takes human life;" and it points out there that "the duty of magistrates and peace officers to summon, or to abstain from summoning, the assistance of the military depends in like manner on the necessities of the case"?—My point rather is this: supposing I were in command of such a party I should feel that I was incurring a very grave responsibility by letting the strings of discipline go at the critical moment. At the same time under this regulation, legal or illegal, it is what I am told I must do.

1844. The regulations lay it down further that "in cases of riots and disturbances not amounting to insurrection, and not having for their object the commission of felonious acts, or the subversion of the civil government, members of the volunteer force, if employed as special constables, should be armed with the ordinary constable's staff." There again you think that that regulation would operate inconveniently?—The process of swearing in special constables is a very long one; I have gone through it.

1845. I am speaking now more particularly with reference to the volunteers being armed with staves rather than with firearms?—They would never have ball ammunition under those conditions; the men are never allowed to march with ball ammunition practically.

1846. Then do you imagine that the rifle would be the equivalent of the baton?—I feel that that is purely a question for the Secretary of State to decide. The important point is what we are to do; supposing this emergency arose, what are we to do.

1847. Are you assisted in the dilemma by the following Regulation, No. 454, which points out that, "In cases of serious and dangerous riots and disturbances, the civil authority may require Her Majesty's subjects generally, including members of the volunteer force, to arm themselves with and use other weapons suitable to the occasion"?—I take that to mean that the civil authority has power to order all volunteers, not necessarily volunteers under military organisation (it does not say so), but all volunteers, to come together, arm themselves with their rifles, and obey the civil authority's orders.

1848. But do I gather that you think that these regulations are weak in that they do not allow, or do not contemplate, that the volunteer force should be employed in its proper full organisation, under the command of its officers, in its uniform, and with its ordinary weapons?—I think, in the case of Regulation No. 454, it is weak. If a riot is serious and dangerous, so serious and dangerous as that the civil authority is obliged to call the volunteers out, they ought to be called out under their own officers undoubtedly.

1849. And called out as a quasi-military force?—I think they would be very useless if they were called out in any other way.

1850. I will quote again another passage to which you have called my attention in the Featherstone Report: "By the law of this country everyone is bound to aid in the suppression of riotous assemblages;" do you think

Chairman—continued.

it has been laid down that the law recognises any circumstances under which the civil population, that is to say, the law-defending civil population, might be drilled, organised, and armed for defence against riot and disturbance?—I do not know the law well enough to answer that; but surely there is a distinction between organising and drilling a force for that purpose and using a force organised and drilled for other purposes for that purpose.

1851. Then we may assume that, in your opinion, it would be expedient that a force that was already in existence, and armed for resistance, shall we say to a foreign invader, might be, in case of special contingency, employed for the maintenance of the peace in civil disturbance?—As a last resort.

1852. Who should be the judge; now let me revert to the case which has been hypothetically put. Supposing that you are exercising in Hyde Park, and you come into conflict with a body of men who are in a state of, perhaps, great political excitement, and who are resorting to the Park for some kind of demonstration, do you think that a discretion should be allowed to the commanding officer of the volunteers to employ his men violently to make their way through such a crowd as might be obstructing their passage at Hyde Park Corner?—I never contemplated that; I always should have the men called upon by the proper civil authority, and I should like to see a regulation added that if any such emergency is feared the parade is not to be held in that neighbourhood.

1853. The greatest prudence should be exercised to avoid conflict, or to avoid a danger of conflict, between volunteers out for exercise or drill and crowds of people who might become excited and hostile?—Yes. As a matter of fact several inspections were altered last year because there was a demonstration in Hyde Park, to everybody's great inconvenience.

1854. Will you explain to the Committee in short what amendment of the law you would think it expedient to embody in the event of fresh legislation?—Yes. In the first place, such a regulation as I have suggested, to avoid conflict by previous action, to go elsewhere or not go at all; secondly, to say that in case of an armed body of volunteers being called upon by the civil power to assist them, they should be allowed, under the direction of that civil authority, to use their military organisation to carry out the civil authority's instructions, still putting the responsibility on the civil authority.

1855. You would not for a moment contemplate placing upon the volunteer commanding officer the responsibility of employing his men in anything in the nature of civil disturbance?—No.

1856. Even though it might present a threatening appearance to the corps itself?—If a mob actually attacked the corps I should certainly permit them to defend themselves.

1857. To what extent?—That depends upon the violence of the attack. If their lives were threatened they would be justified under the civil law in resisting that attempt upon their lives.

1858. Yes;

Chairman—continued.

1858. Yes; but the purport of my question is to ask whether you think that it is expedient to go beyond the provisions, or understood provisions, of the common law specially in favour of giving power to a body semi-military other than those possessed by them as private citizens?—But I rather gather from the Featherstone Report that to give that power to a military body would not be going beyond the common law, because volunteers, when called out, are under discipline, not under the Army Act, but under discipline, and they therefore do not differ in essence from regular soldiers on duty.

1859. It has been almost unanimously agreed by the witnesses who have appeared before the Committee that it is expedient that volunteers exercising under the circumstances supposed should be placed under the Army Act?—In that case, whatever regulations are laid down here, the common law, as far as it applies to the Army, would apply to the volunteers in the case I have mentioned.

1860. But you remember that there was the passage to which you called my attention which laid down that the fact of a soldier being in uniform, and under the command of his officers, did not exempt him from the liability that would attach to him if he were a private individual, and were called upon to take human life?—That is perfectly true; but that does not prevent his commanding officer from availing himself of military organisation, which in that case should be identical with our own.

1861. Assuming that there might be some difficulty in carrying an amendment of the law, founded as it is so much upon the interpretation of the common law and constitutional principles, do you think that the powers asked for should be embodied in a War Office regulation?—I think so.

1862. And that that would meet any difficulty that you apprehend?—Yes. There is only one other point with respect to Regulation No. 455, and that is the last.

1863. That is as to the defence of storehouses and armouries?—It is a very complicated point, but I am not certain that that does not go just beyond the common law; that is to say it is conceivable that acting under that an officer commanding a party of volunteers might do a thing which under the common law he might not be allowed to do. Perhaps I need not go further than that.

1864. We have had some very valuable evidence bearing upon that matter from a Member of the Committee who on an occasion of some gravity was called upon to exercise those powers?—But did he fire on the mob?

1865. No; but he was prepared to do so?—That we have all undergone. At one time in London during the time of the Trafalgar-square riot there was a system arranged by which by telegraph certain people undertook to arrange all the affair, and ball cartridge and everything was to be ready at a moment's notice. But the point rather is this: in the event of an attack upon their storehouses they may repel that attack and defend the armouries, and, if the occasion arises, use arms. Are you to wait in that case until a man tries to break into your window, or may you fire from the street if he use a threatening attitude? It is a very important point.

Chairman—continued.

1866. Are you able to answer your own question?—It is really a question which I think lawyers would differ about. I think we ought to be allowed to fire on a mob if they use an obviously threatening attitude, and refuse to disperse.

1867. Without the authority of a justice of the peace?—If they were going to try and take our arms from us, just as under the present law you could shoot a man in your back yard if he was attempting to break into your house; but the question is at what point does the attempting come in; you could not shoot him in your back yard simply because he was there.

1868. Then does not that indicate that the same prudence, the same careful exercise of good sense, must be looked for in regard to the operations of volunteers as in the case of ordinary civilians?—There may be organised rushes by large masses of people.

1869. And you think that they may justify exceptional resistance?—They might. But whether that be so or not, I think it would be desirable that the regulation should be made more clear as to what, under the existing law, you may do or not do for the guidance of volunteers.

1870. You do not propose in any way to allow the civil power to call out the volunteers, do you?—Not except in the case of dangerous riots and disturbances.

1871. Where the military was not at hand?—Where the emergency was so great that the thing became necessary.

1872. It would not be such an emergency if there were a sufficient force of military?—Of military, or police, or special constables.

Sir *Arthur Hayter.*

1873. Do not you think that Regulation No. 451 is directed to the civil authority alone? If volunteers are under military authority they might be called upon to act, might they not?—I think not.

1874. You do contemplate allowing the civil power to call out volunteers, a change of regulations that would admit of that?—It is not a change of regulations; it is permitted under the present regulations, No. 454.

1875. That is not coming out as a body; that is coming out as a civilian duty?—They are going to use their rifles.

Sir *Edward Hill.*

1876. To my mind there is no difficulty about it. Take the question in regard to the armoury first of all; there, I take it, they are not only allowed, but it is their absolute duty to appear in uniform, and in the event of their being attacked (the mob may use any language that does not break any bones, but the moment they begin to attack an armoury) it is the duty of the commanding officer to use ball cartridge and repel the attack?—I am given to understand by the legal

Sir *Edward Hill*—continued.

legal experts that Regulation No. 455, as a regulation, has no legal force whatever, and that we simply have, under the common law, certain rights with respect to our own houses, and that we have identically the same rights with respect to our armouries.

1877. Excepting this, that the volunteers "may combine and avail themselves of their organisation" (that is to say, they may appear in their military uniform, and as a military body) "to repel such attack, and to defend such store-houses and armouries, and for such purposes may, if the necessity of the occasion require it, use arms;" that is to say, if they are attacked, not simply threatened. I do not think they have any right to say to the mob: "You must go away, or we will fire on you;" but if the mob proceed to break their windows and force their doors, I submit that it is the right of the commanding officer to deal with that occasion. The moment your doors are burst open you may fire. When they have fired a shot at him, or broken a window, or burst in his door, then an officer of volunteers has a right and a duty to fire as hard as he can and drive them off?—According to my information, as far as this regulation is concerned, the regulation is so much waste paper, because the Secretary of State, under the Volunteer Act, has no power to make it; but as far as this regulation is in accordance with the common law, in other words, as far as we volunteers can act in our own houses, so far and no further can we act in our armouries.

1878. One supposes that these regulations are revised by some great legal authority, who takes care that they are in accordance with the law. I, as a commanding officer, should feel myself bound to follow out these regulations. Now, about the armouries: you suggested whether in the case of volunteers drilling in Hyde Park at a time when some dreadful riot was taking place somewhere, say near Buckingham Palace, then the volunteer commanding officer would be justified in obeying the orders, say, of the Lord Mayor of London, or whoever was the greatest functionary, in using his men. I say he would, because this regulation distinctly says that, "in cases of serious and dangerous riots" the volunteers are "to arm themselves with, and use weapons suitable to the occasion," and, to my mind, that would carry the use of the volunteers. You do not think so?—Then how do you interpret Regulation No. 451, which governs the whole of this section: "The civil authority is not in any case entitled to call upon or order volunteers to act as a military body in the preservation of peace"?

1879. That is to say, that the Lord Mayor of London could not write to Colonel Howard Vincent and say, "I am expecting a disturbance; be good enough to parade your regiment, and take it out to Hyde Park;" he cannot go so far as that. But the case you put was that a body of volunteers was in Hyde Park, and this riot took place. What would my position be if the Lord Mayor gave me (in writing) an order that I was to preserve Buckingham Palace from being burnt down. I should feel that I had a perfect right to do it under this Act. Then there is another point. This Regulation, No. 454, appears to me to cover the use of the military organisation, and the use of the arms, and the only point that I am in difficulty about is whether they might be in uniform. Do you agree with that opinion?—What is the question which I have to answer, shortly?

1880. We will suppose that there is in a town an unfortunate riot going on; the town is being burnt, the mayor of the town has no military and only a few police, who are not sufficient, and he says to you, "I call upon you as a citizen to aid me to the best of your power and ability in the suppression of this riot, and I should feel grateful to you if you would bring your regiment and use your military organisation as citizens, and your arms other than staves (which are no good on this occasion), and help me." I should think myself that under Regulation No. 454 I should be perfectly justified in doing it. I am not quite sure whether I ought to wear uniform, or not?—It seems to me that there the civil authority would have given you an order; but "the civil authority is not in any case entitled to call upon or order volunteers to act as a military body in the preservation of peace."

1881. But the mayor may say to you, "You are a citizen, and I order you to come"?—Then I say, "You can call me out as a special constable or call me out with my rifle, but I cannot come out as one of a military body."

1882. Do you mean to say this: that supposing you had nothing to do with volunteers, but that you were simply Colonel Balfour, a private citizen, and there was a dangerous riot going on, there would be anything to prevent your saying to the mayor, "Sir, I have collected together 50 or 60 men whom I have armed with guns, and so on, and I am prepared to help you in this matter, and I should be their captain, and I have a couple of lieutenants with me who would see after the organisation;" do you think the mayor would be justified in refusing that?—I think the Secretary of State might pitch into me if I had done that.

1883. I am assuming that you had no connection with the volunteer force?—If I am not using my military organisation, of course.

1884. You might collect together and organise in a military fashion 100 men willing to work with you, not as a particular military force, but as citizens, who were armed with weapons which you chose to provide them with, and then say to the mayor, "I see your difficulty; I have got 100 men, all in good military organisation; I am their captain, and I have a couple of lieutenants; they are only citizens, but I have a military organisation;" do you think the mayor would be justified in refusing that?—But they would have to be sworn in as special constables.

1885. You have suggested, if you were in Hyde Park and there were a great crowd, the great advantage which the volunteers would have in getting through that crowd. If you were attacked, do not you think that you would be justified in using bayonets, and so on, on that crowd?—I do not know what legal justification I might have. It is not a course I should pursue.

Mr. *Wason.*

1886. With regard to this question of combination, do you notice that in paragraph 455 it states that "the volunteer force may combine"?—Yes.

1887. Now, if you notice in No. 454, although the volunteers may be called out, there is no power for combination?—No; they are special constables, in paragraph 454.

1888. And they have no right whatever to combine and come out as a regiment?—No; I read it in that way.

1889. There is a special distinction between their acting in defence of their armoury and when called out to act as special constables, whether armed with rifles or not?—Yes. I may say that my object in giving this evidence to-day was not so much to give my own views as to call attention to the difficulties we are placed in in trying to understand our work.

Chairman.

1890. The Committee is much indebted to you for having called attention to the fact that circumstances might arise when it would be expedient, under proper safeguards and with proper prudence in these matters, and with a constitutional jealousy of any encroachments of the kind, volunteers might be enabled to act under the authority of the civil power in defence of order?—Yes, in their military capacity.

1891. And that, under such circumstances, it would be expedient that they should be under the Army Act?—Yes.

Mr. *Gourley.*

1892. At present, your opinion is that they can only be utilised as special constables?—Except in defence of their armouries.

Colonel FRANK WILLIAM HADDAN, called in; and Examined.

Chairman.

1893. YOU are commanding officer of the 4th Volunteer Battalion The Queen's Royal West Surrey Regiment at Kennington?—Yes.

1894. And you wish to speak particularly with reference to the operation of the Military Lands Act?—That is so.

1895. Will you say what you wish to say?—I had a letter on the 15th of May last from the War Office refusing an application which I made to the Secretary of State under the Military Lands Act, 1892, to be allowed to purchase the freehold of my headquarters. I may say that I am rack-rented to the last degree.

Mr. *Wason.*

1896. Do you hold under a private landlord?—Yes, under a private landlord.

1897. Who is it, may I ask?—Mr. , and I went very closely into the figures, and I think I was able to satisfy the Secretary of State that if the powers had been given to me which I asked for under the Act of 1892, I should have been the saver to a large extent of the funds of the corps. But the official letter, a copy of which I have before me, says this: "Sir, with reference to your letter of the 25th August last, Lands, No. 5192, forwarding an application from the officer commanding the 4th Volunteer Battalion the Queen's Royal West Surrey Regiment for a loan, estimated at 4,575*l.*, for the purpose of purchasing the freehold of the land now occupied by the corps as a headquarters, and also for sanction to take such steps as may be necessary to obtain the same by compulsory purchase, I am directed by Mr. Secretary Campbell-Bannerman to inform you that he has given the subject his full consideration, and with every desire, it need scarcely be said, to assist the corps, he finds that the circumstances are not such as to enable him to comply with the request of the officer commanding. It is extremely doubtful whether the intention of the Act" (that is of 1892) "included the application of compulsory power to such a purchase as that now contemplated, but apart from this it does

Mr. *Wason*—continued.

not appear that the property to be purchased affords such a security as the Secretary of State could accept, or would recommend to the Loan Commissioners as being adequate for the loan proposed, increased by the additional sum due to compulsory purchase." Now I have here the Act, and I beg to state most respectfully that I consider compulsory powers are distinctly contemplated by the Act, and that therefore the decision of the Secretary of State to refuse me permission to proceed under that Act is, at any rate, if based on that Act, incorrect.

Chairman.

1898. What is the section?—Part I., Section 1, Sub-section (2): "A volunteer corps may, with the consent of the Secretary of State, themselves purchase land under this Act for military purposes." Sub-section (4) says: "The Secretary of State shall, before giving his consent to the purchase of any land under this Act by a volunteer corps, send an inspector to the land for the purpose of ascertaining its capabilities of being used for military purposes with due regard to the safety and convenience of the public, and shall give or withhold his consent accordingly.

1899. Do you find compulsory powers of purchase in either of those sections?—The compulsory purchase is to be found a little further on, if I may be permitted to say so. On the next page it says, in Sub-section (4) of Section 2: "The provisions of the Incorporated Acts with respect to the purchase of land compulsorily, shall not be put in force until a Provisional Order has been made and the sanction of Parliament has been obtained in manner in this Act mentioned." That is what I have applied to the Secretary of State for, to enable him to obtain. I have no power to obtain a Provisional Order, but that is distinctly a power in the hands of the Secretary of State; but I am estopped by the decision that this Act does not contemplate compulsory purchase at all; and, secondly, that if it does, the security I offer is not sufficient.

1900 I think

Chairman—continued.

1900. I think we may put it, then, that in your opinion, if there be no such powers in the Military Lands Act, 1892, or even if there be a doubt as to whether those powers are contained in that Act, it is desirable that the Act should be amended so as to include them?—Yes, that is so. And, then, for the second point on which I am refused, and that is that the security is not sufficient. If I may refer you to Clause 5 it says: "(1.) A volunteer corps may, with the consent of the Secretary of State, and subject to such conditions as he may impose, borrow such money as may be required for the purpose of the purchase by them of land under this Act." Now, this is the important part: "(2.) The money shall be borrowed on the security of the land acquired by the volunteer corps, and also on the security of any grant to the corps out of money provided by Parliament." Now, in the Secretary of State's decision to me he simply says that the security of the land is not sufficient; and there is no reference whatever made to my Government grant, which, in my case, comes to more than 2,000*l.* a year; that has been apparently overlooked entirely.

1901. Possibly; I am not concerned to take a different view from that which you have expressed, but let me ask you to assume that your corps was disbanded, and that you had involved yourselves in responsibilities in regard to acquiring this land, what would happen with regard to the land and the liabilities in the event of your disbandment?—Then Clause 8 provides for that entirely, if I may read that: "If a volunteer corps, holding land under this Act, is disbanded, the land shall, by virtue and subject to the provisions of this section, vest in the Secretary of State from the date of the disbandment, subject to the repayment of any money borrowed for the purchase of the land and not already repaid, and the sums required for such repayment shall, if and so far as not provided by the sale of the land, be paid out of moneys provided by Parliament for Army services."

1902. Then the effect of that section is that the responsibility of your bargain, be it a good one or a bad one, would have to be accepted by the Secretary of State in the event of your being unable to carry out your contract?—In that event.

1903. Does not that indicate to you the importance of the Secretary of State being particularly prudent in approving a contract for purchase, and requiring that he should be fortified with the opinion of those most competent to advise, that the bargain is a sound one?—Yes, truly.

1904. But you think that the law ought to be interpreted so that beyond the actual and prospective value of the land and of any buildings upon it, you should be able to mortgage as security the capitation grant, and any other income that you may have?—I say that is the interpretation of the Act. Whether it is good or bad is not for me to say, but the Act distinctly states that a volunteer corps may borrow, and that the security to be taken is not only the land itself, but the money coming to it annually under the Government grant, and it is only in the event of the volunteer corps being disbanded that we should have to come on to the public funds voted for the Army.

Chairman—continued.

1905. But the Secretary of State would necessarily have to consider that the income of the kind you are speaking of was required for meeting the expenses of maintaining the efficiency of the corps?—Yes.

1906. And a discretion being vested in the Secretary of State, it would be impolitic to maim your own resources, even for the very desirable purpose of acquiring a capital property?—I can quite see that, and I presume that that was the meaning of the Secretary of State's answer, especially as he was good enough to say that he was most desirous to help us if he could. I am not coming here to make any complaint, only to put my case in as forcible language as I can. If this Act is interpreted in a way that the words do not seem to imply, and if I am right that Parliament intended this Act to give us certain powers, then I say let it be clearly understood; or if the Secretary of State is to be sole judge, let it be so stated in the Act.

1907. You see the Act is barely two years old?—Yes; and it was because mine is the first case that has ever occurred of purchasing a head-quarters, I believe, with all its paraphernalia complete, that I attached so much importance to this; and it is because, speaking with due respect to my landlord, I have been so ground down during the time that I have been in command that I welcomed this Act as a relief from my troubles. If the Act does not give me the powers that I think it does, I should like the Act to be made more explicit, so that others may not be put to the trouble that I have been put to. There is one further point, namely, this. With regard to the sum of 4,575*l.*, I do not say that is the value of my head-quarters, but the Secretary of State in his discretion, and according to the Act, has given certain instructions what course we are to pursue, which is to consult a local expert of standing. A local expert of standing who knows the neighbourhood from his boyhood, and its capabilities as building land, says this land is worth 4,575*l.*, and the Secretary of State's advisers apparently say it is not. Now I want to have it made clear, having obeyed the Secretary of State's instructions to send in the report of a valuer of standing, is his opinion to be, as it were, set aside entirely without any reference or inquiry made into it, simply because an equally eminent expert, probably in the Government employ, says he has over estimated it? Would it not be better to have it put in the Act at once, that instead of having the opinion of a local expert we are to take the opinion of a Government valuer as the basis on which any treating is to take place?

Mr. *Wason.*

1908. What was the price asked by your landlord?—He is not content with the valuation put on it by the local valuer. I think that they called in the Government valuer to show that he was opening his mouth too wide, and that, perhaps, I might have got off for less than 4,575*l.*; but now I can do nothing.

APPENDIX.

3.147.

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APPENDIX.

APPENDIX, No. 1.

PAPER handed in by Colonel *Howard Vincent*, 4 June 1894.

Introduced by

Company. Regimental Number.

AGREEMENT.

I,
of
having been accepted as an Enrolled Member of the Queen's Westminster Volunteers, and having paid the fee of 1*l.*, agree in consideration of being furnished with Uniform and Accoutrements, that I will on or before the 31st October next, and in each year during the full term of three years from the date hereof, and for the period ending on the 31st October next following the expiration of the said term, make myself an efficient Volunteer Soldier in accordance with the authorised Regulations prescribed from time to time, or pay to the funds of the Corps the amount lost by reason of my being non-efficient, and I promise that I will, so long as I shall remain on the roll of the Regiment, implicitly obey the Rules, Regulations, and Standing Orders of the Corps, a copy of which I have received and accepted, and advance its interests by every means in my power. Provided, however, that I may resign on giving 14 days' notice on complying with the said Rules and Regulations and on payment of a resignation fee of 10*s.* and of all moneys due from me at the date of such notice, and of the Capitation Grant allowances which would have become payable to the Regiment under the present Rules and the present or any future Volunteer Act and Regulations respectively if I had not resigned, but had fully completed my engagement as aforesaid.

On due compliance with all the terms of this engagement, the Uniform becomes my property.

Dated this day of 189

Witness,

APPENDIX, No. 2.

PAPER handed in by Sir *Henry Fletcher*, 4 June 1894.

RULES of the 2nd Volunteer Battalion Royal Sussex Regiment, 1888.

1. The Regiment shall consist of two classes: Enrolled Members, who shall be required to obtain a Certificate of Efficiency in each year, under penalty as hereafter; and of Honorary Members, who shall contribute to the Funds of the Regiment an annual subscription of not less than two guineas. The Commanding Officer shall have authority to refuse to accept or to continue any individual as an honorary member.

2. Candidates for enrolment must be finally approved by the Commanding Officer.

3. Every enrolled member who in any year fails to earn for the Regiment the annual Government Grant for an efficient, is liable to be fined the whole or any portion of the amount, at the discretion of the Commanding Officer; and further, any enrolled member voluntarily resigning, or on being dismissed for misconduct, shall, at the discretion of the Commanding Officer, forfeit and pay in addition to the above, a sum of money not exceeding—

	£.	*s.*	*d.*
If during his first year's service - - - - - - - - - -	1	10	–
Ditto - second - ditto - - - - - - - - - -	1	–	–
Ditto - third - ditto - - - - - - - - - -	–	10	–

Note.—In addition to the fine he is liable to be discharged.

4. The expression "Property of the Corps" to include anything purchased out of the funds of the Regiment, or presented to the Regiment.

5. The Finance Committee shall consist of three Officers of the Regiment, besides the Commanding Officer, to be nominated by him annually, three to form a quorum. The Committee to be convened by the Commanding Officer, as he may consider necessary, and the Annual Meeting to be held in the month of June.

6. All Officers shall pay the following annual subscription—

(*a*) To the Prize Fund every Officer shall pay 1*l.* Subscription due on 1st January in each year, to be paid to Finance Committee.

(*b*) Every Officer shall pay an equal share of the expense incurred for Mess Guests, and also of the Mess Contingent Account.

7. Every Sergeant shall be liable to the annual subscriptions to the Sergeants' Mess for the year in which he may leave the Regiment, or revert to the ranks. The subscription is now 3*s.*, but is liable to be changed at the direction of the Commanding Officer.

APPENDIX, No. 3.

PAPER handed in by Colonel *Pearson*, 11 June 1894.

From "The Times," 10th February 1893.

In the High Court of Justice (Queen's Bench Division), before Mr. Justice LAWRANCE and Mr. Justice COLLINS.

Pearson *v.* Holborn Union Assessment Committee.

THIS was a case stated by the order of a judge under 32 & 33 Vict. c. 67, s. 40. The parties could not agree on the facts, and they accordingly appointed an arbitrator, who stated the case:—The questions to be raised by this case concern the rateability of certain premises in Leonard-street, E.C., used as a storehouse, drill-hall, &c., by the 2nd Middlesex Artillery Volunteers. The Appellant contends that the whole premises are exempt from rateability (*a*) as storehouses within Section 26 of 26 & 27 Vict. c. 65; (*b*) as being in the occupation of the Crown for the purposes of the Crown. The Appellant, as commanding officer, is assessed in the valuation list for the parish of St. Luke's, Holborn, in respect of so much of the premises as the Respondents allege are not occupied as a storehouse within the meaning of Section 26, at a gross value of 336*l.*, and a rateable value of 280*l.* Notice of appeal was duly given. The Appellant is commanding officer, and as such is the lessee of the premises, the subject-matter of this assessment, under a lease for 20 years, at a rental of 400*l.* per annum. The 2nd Middlesex Artillery Volunteer Corps consists of 634 officers and men. It is one of the corps of the Eastern Division of the Royal Artillery, and for discipline and command is included in the Home District, being subject to the orders of the major general commanding such district. The premises in question have four floors, with a gun-shed and drill-hall at the back extending to the roof. The primary purpose of the premises is that of a storehouse for the guns, arms, and ammunition of the corps. These comprise eight guns, namely, five 64-pounders, one 40-pounder, and two 12-pounders; also 530 stands of arms, with corresponding ammunition, all the property of the Crown. There are also kept on the premises the uniforms of about 350 men. The premises have been duly certified as a storehouse by the authorities under 26 & 27 Vict. c. 65, s. 26. The said premises also serve the purpose of a place of meeting for drill, military instruction, &c. Three non-commissioned officers and their families reside there; the guns, &c. are in charge of such officers, whose presence is necessary for the purpose of their safe keeping. It is admitted by the Respondents that for the purpose of a storehouse within the meaning of Section 26 portions of the premises are necessary and proper. It was found, as a fact, in this case, that the whole premises were necessary for a storehouse, except the officers' ante-room, the canteen, the serjeants' room, the men's mess-room on the first floor, and two rooms on the third floor; the excepted portions, though suitable and proper for the purposes of the corps, are not storehouses. The value of the whole premises is 410*l.* gross value, and 341*l.* 13*s.* 4*d.* rateable value. The value of the excepted portion is, on first floor, 75*l.* 15*s.* gross value, and 63*l.* 2*s.* 6*d.* rateable; on the third floor, 4*l.* 13*s.* 1*d.* gross, and rateable value, 3*l.* 7*s.* 1*d.* The whole of the premises are used solely for the purposes of the corps. Colonel Pearson, the Appellant, has no use or occupation of the premises other than as colonel commanding. The officers and men have no other use or occupation other than in their capacity of artillery volunteers. The three non-commissioned officers mentioned are two of them upon the establishment of the regular Army; the third is not now on the establishment, but is now a volunteer, having retired from the Army with a pension. The rent is paid from the funds of the corps, which comes in part from the Government grant, 1,710*l.*, and in part from voluntary subscriptions, 200*l.* The questions for the opinion of the court were, (1) whether the whole premises are exempt from rates; (2) whether the portions of the premises necessary and proper for storehouses are alone exempt from rates.

Mr. POLAND, Q.C., and Mr. EDWARD BOYLE appeared for the Appellant; Mr. BOSANQUET, Q.C., and Mr. R. CUNNINGHAM GLEN for the Respondents.

Section 26 of 26 & 27 Vict. c. 26, contains the following provision: "The commanding officer of a volunteer corps or administrative regiment receiving any arms, ammunition, or other stores supplied at the public expense, or by subscription, shall, subject to the approval of the lieutenant of the county, appoint a proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores. Every such storehouse shall be free from all county, parochial, or other local rates or assessments."

Mr. POLAND cited the cases of "Jones *v.* Mersey Dock Company" (11 H.L.C., 443; 35 L.J., M.C., 1); "R. *v.* Stewart" (8 E. and B., 360); "R. *v.* Fuller" (8 E. and B., 365, N.); "Coomber *v.* Justices of Berks" (9 App. Ca., 73), showing that county buildings are exempt from income tax, and that the same principle is to be applied to poor rates and income tax; "R. *v.* Jay" (8 E. and B., 469), to show that militia storehouses, being used for the Crown, did not come within the terms of an Act of Parliament as to buildings.

Mr. BOSANQUET cited "Gambier *v.* Lydford Overseers" (3 E. and B., 346; 23 L.J., M.C., 65); "R. *v.* Bradford" (4 M. and S., 317); "R. *v.* Terrott" (3 East, 506); "Martin *v.* West Derby Union" (11 Q.B.D., 145); "R. *v.* Hurdis" (3 T.R., 497); "R. *v.* Ponsonby" (3 Q.B., 14). He also mentioned generally "Tunnicliffe *v.* Birkdale Overseers" (19 Q.B.D., 280).

Mr. POLAND, in reply, pointed out that as to the question of the canteen in "Gambier *v.* Lydford" the canteen was then occupied by a grocer and not by the Crown, and in the case of "R. *v.* Bradford," that the occupier paid a large rent for the right of occupying it.

Mr. Justice LAWRANCE said: The question in this case is, whether a portion of certain premises used as a storehouse is rateable to the poor rate or not. It appears that the portion under discussion was the smaller portion of the premises, as the arbitrator found that the whole premises were worth 341*l.*, while the excepted portion was only worth 66*l.* The part excepted is the officers' mess and ante-room, the canteen, and the serjeants' room, and the men's mess-room, with two other small rooms. The whole question depends on the real position occupied by volunteers. Are they servants of the Crown, or are they only private persons banded together for a special purpose? Looking at the statutes I am of opinion that they are servants of the Crown. Under Section 2 of the Volunteer Act, 1863, Her Majesty is empowered to accept their services. She may also constitute a permanent staff, and may, at Her discretion, disband the volunteers. Volunteers are not paid like members of the regular Army, but there is a grant annually

for them. By another section they may be called out in case of "imminent national danger." The volunteers are, therefore, very much like militia. The property of the volunteers is vested in the commanding officer by Section 26, and a storehouse may be selected, and, if approved by the lord lieutenant, may be so used. The military authorities require that there shall be three military men in charge of the stores. These three men are found in the case to be "reasonably necessary." It is also found that the whole of the premises are used "solely for the purposes of the corps." It was said that the excepted portion was outside the exemption of Section 26, and cases were cited to show that portions of premises in excess of the exemption had been rated. But those cases do not apply here, as the premises are occupied as if they were Crown property, and they come within the general rule of exemption of property occupied by the Crown. The whole premises, in my judgment, are exempt from rating.

Mr. Justice COLLINS concurred. He said: The question here is, whether a building used as a store under 26 & 27 Vict. c. 65, s. 26, and as described in the case, is rateable. Two grounds were put forward why it was not; one, that it came within the exemption in Section 26; and the other that, whether or not, the premises are occupied for Crown purposes. I think the contention is sound. I am disposed to think that the whole building comes within the description of "storehouse," but even if it does not, I think it comes under the general exemption of Crown property. The learned judge then read the section and referred to the last part, containing exemptions for storehouses "appointed" as fit places for storing ammunition, and then continued: Here there has been a certificate that these premises are a fit place, and that certificate applies to the whole without exception. But if it could be shown that in fact some portion was not so occupied, yet, in order to make that portion rateable, it would be necessary to prove that that portion was not used for purposes reasonably incidental to its use as a storehouse. It would also have to be shown that it was beneficially occupied. The case tells us how this part is occupied; and I am not sure that the case precludes me from saying that the whole is used as a storehouse. True, the statement, "The premises also serve the purposes of a place of meeting for drill, military instruction, &c.," rather looks as though that part was not included in the premises used as a storehouse; but later it is found that the whole is used as a storehouse with certain exceptions, and among those exceptions we do not find any mention of the part used for drill. The drill-room, therefore, would appear to be part of the storehouse. Of the other excepted parts, if they are reasonably necessary for the use of the three men required to be in charge, they must be deemed part of the storehouse. A large part does come within this class. The officers' mess-room and ante-room do not come within this, however, but it is not found to be unreasonable for the purposes of the store that they should be there. But even if they fall outside the proper limit of a store, I think they are occupied for a public purpose; that is, as property used for the purposes of the Crown. The question is this: Are the volunteers to be deemed servants of the Crown for this purpose in the same sense as the regular Army and the militia are? Are they in the category, so as to admit of occupation of premises by volunteers being deemed to be an occupation for military purposes? For, if so, that occupation is exempt from rateability. This depends on two facts; first, are volunteers in the same category as the Army; and, next, whether the occupation by volunteers set up in any particular case is referable to the proper discharge of their duties as military men. What do I find in the statute? I find that Her Majesty (Section 2) may accept the services of the volunteers. Therefore, they are a body not formed by themselves alone, but a corps depending on the will of Her Majesty. She, through the lieutenant of the county, gives the commission to the officers. She, through the Council (Section 11), may declare what is requisite to entitle a volunteer to be deemed efficient. She (Section 12) may disband the volunteers. Her Majesty's Secretary of State (Section 16) may make general regulations; the oath prescribed is to be "faithful and bear true allegiance to Her Majesty," and to "serve Her Majesty in Great Britain for the defence of the same." It is true that until they are called out volunteers are not under the Mutiny Act, but when called out they are. All these considerations make it evident that the proposition is true; that occupation for volunteer purposes exclusively is occupation for military purposes. Now, the findings in this case are these: The whole of the said premises are used solely for the purposes of the corps; Colonel Pearson has no use or occupation of the premises other than as colonel commanding the said corps and in discharge of his duties as such. These findings cut at all the authorities cited and narrow down the Appellant's occupation to such as is required by his duty, and quite exclude the idea of beneficial occupation by him. It is, therefore, no good going through the cases. It is clear law that Crown property may be rateable if it is occupied for private purposes. It is equally clear that occupation and not ownership is the test, and, therefore, the fact that the Crown is in occupation is enough to exempt from rateability. The Appellant in this case must succeed.

APPENDIX, No. 4.

PAPER handed in by Colonel *Pearson*, 11 June 1894.

[The words underlined are not in the Act of 1863.]

OATH TO BE TAKEN BY VOLUNTEERS.

I _____ do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, *her heirs and successors*, and that I will faithfully serve Her Majesty in *any part of* Great Britain for the defence of the same, against all her enemies and opposers whatsoever, according to the conditions of my Service.

Witness my hand,

_____ Signature of the Volunteer.

_____ Witness present.

Sworn before me at _____ this _____

day of _____ One Thousand Eight Hundred and _____

Signature of the Magistrate, Deputy-Lieutenant or Officer. _____

APPENDIX, No. 5.

PAPER handed in by Colonel *Stanley Bird*, 11 June 1894.

SUGGESTIONS made at the Meeting of Commanding Officers of Volunteers at the Royal United Service Institute, on 19th January 1891, and further amended by a Sub-Committee on 1st May 1893.

I.—GENERAL SUBJECT.

a. That Section 17, Volunteer Act, 1863, be amended by the substitution of the following words, *imminent National danger*, for "actual or apprehended invasion"; and that a clause be inserted giving to Government the power of accepting the services of Volunteer Corps when offered on other occasions.

II.—OFFICERS.

a. The Meeting considers the position of the Volunteers in regard to the dearth of Officers as very serious. It does not recommend that Officers should be paid or receive grants for their outfit. It considers that, while every effort is made to keep down expenses and prevent the necessity of calling on Officers to sacrifice their money as well as their time and leisure, the object should be to improve their status.

b. That steps be taken to introduce a Bill in the House of Commons whereby efficient Officers of Volunteers be exempted from serving on Juries.

c. That any Officer of Volunteers requiring to be absent from duty beyond three months must obtain leave from his Commanding Officer.

III.—PERMANENT STAFF AND NON-COMMISSIONED OFFICERS.

a. That Sergeant-Majors have substantive Rank instead of Acting Rank, and that they have the same position, allowances, and pensions as Sergeant-Majors in the Militia. Without such an act of justice as this it is impossible to obtain good men.

b. That Warrant Officers be allowed to take the post of Instructors of Volunteers.

c. That the employment of the Permanent Staff, as Recruiting Sergeants, is detrimental to the interests of the Volunteer Service for the following reasons:

1st. The Permanent Staff has no time for such duties.

2nd. Because many Parents who do not object to their Sons becoming Volunteers, have no intention to allow them to join the Regular Army, and they will fear that they may be persuaded to do so if it be part of the duty of the Permanent Staff to obtain Recruits.

d. That Officers commanding Volunteer Corps have the same power as Officers commanding Militia Artillery, of promoting Sergeants of the Permanent Staff to the rank of Battery Sergeant Major.

IV.—PRIVATES.

a. That onus of proof that Arms and other property of the Corps are properly in the possession of any person rests with that person. That power shall be given to enable the Police Authorities to take immediate action on becoming aware of any such person being in illegal possession of Arms and Corps' property after notice from the Commanding Officer.

That the full grant of 35*s.* be paid for each recruit the first year, whether the third class be passed or not, provided he has fired sixty rounds.

V.—FINANCE.

a. That a proportion of the Capitation and Proficiency Allowances be paid as soon as earned.

b. That any Battalion joining a *bonâ fide* Brigade of not less than three Battalions, whether its own or otherwise, shall receive the full allowance for attending such Brigade Camp.

c. That men attending Camp for Inspection only be entitled to draw camp allowance for one day.

d. That an allowance be made to cover the rent of ground used for Battalion and Brigade Camps.

e. That when Transport Vehicles (sufficiently horsed) the property of the Corps, on loan or on hire, are paraded at the Annual Inspection, and are certified by the Inspecting Officer as efficient for the purpose, a Capitation Grant of 35*s.* be allowed for every driver or man connected therewith then present, to the extent of one to each Company, if that man be wearing the uniform of the Regiment and enrolled as a Volunteer, although not otherwise qualified.

f. That travelling allowance for Artillery Volunteers attending gun practice or Regimental Camp at which gun practice is carried out, be 2*d.* per mile one way to cover the cost of double journey.

g. That with regard to the recovery of fines, the provisions of the Volunteer Act, Section 6, be allowed to stand, and not to be affected by the Summary Jurisdiction Act.

h. That the loss occasioned to funds of Volunteer Corps by reason of Volunteers enlisting into the Regular Forces or Militia, or Police, should be made good by the War Office.

i. That Veterinary Surgeons be granted the proficiency allowance if they are M.R.C.V.S.

k. That facilities having been given to Officers of Position Batteries of Artillery, to be temporarily attached for purposes of instruction to Field Batteries; allowances on the same scale as for Schools of Instruction be granted to Officers obtaining Certificates from the Officer Commanding Field Batteries to which they are attached.

l. That

l. That an Annual Grant of 2*l.* 10*s.* be made for each Officer who has obtained a Certificate at a School of Instruction, or by temporary service with a Field Battery or Regiment.

m. That Annual Grants of 5*l.* be made for Officers holding Certificates in Military Laws, Fortification Reconnaissance, Tactics, Signalling, at Hythe, or any other special subject.

n. That expenses and travelling allowance within proper limits be granted in special cases to Officers commanding scattered Corps when visiting outlying Companies.

o. That in the event of a Volunteer having temporarily to remove to another locality, he be at liberty to complete the drills for efficiency in that place, he being attached to some other Corps for that purpose.

p. That Infantry Instructors have increased allowances for Quarters, Fuel and Light, as it is quite evident that the Permanent Staff cannot live in towns on the present pay and allowance.

VI.—Clothing.

That Officers and Men of Volunteer Regimental Corps which have adopted the uniform worn by their line Battalions shall in all respects be clothed the same as the Officers and Men of their respective Militia Battalions. Notwithstanding any regulations bearing on the subject in the Volunteer Regulations to the contrary except so far as paragraph 996 is concerned.

In conclusion the Meeting thinks that it is desirable to establish in London an Association of the Commanding Officers of the United Kingdom on the lines of the Home Counties Volunteer Forces' Institution, and that steps be taken at once to obtain the sanction of the Authorities.

Stanley G. Bird, Colonel,
Honorary Secretary.

31, Bedford-street, London, W.C.,
13 June 1893.

APPENDIX, No. 6.

PAPER handed in by Mr. *Marzials*, 14 June 1894.

LOANS to VOLUNTEER CORPS under the Military Lands Act, 1892 (55 & 56 Vict. c. 43).

ADVANCES made by PUBLIC WORKS LOAN BOARD.

CORPS.	Purpose of Loan.	Amount.	Period in which to be Repaid.
		£.	
1st Durham Volunteer Engineers - - -	To purchase site of drill hall - -	2,190	49 years.
1st Midlothian Artillery Volunteers - - -	- - ditto - ditto - -	3,560	35 „
1st Volunteer Battalion Royal Lancaster Regiment.	- - ditto - ditto - -	1,200	30 „
1st Lancashire Volunteer Engineers - -	- - ditto - ditto - -	2,000	50 „
1st Lanark Volunteer Engineers - - -	To purchase land used as drill ground	5,216	35 „

Approved by Secretary of State, but no notification yet received of advances having been made.

			Remarks.
5th Volunteer Battalion Lancashire Fusiliers -	To purchase an easement over certain lands at Glazebrook for the formation of a rifle range.	14,875	The negotiations for the purchase of this range have fallen through.
1st „ „ Manchester Regiment			
4th „ „ „ „ -			
5th „ „ „ „ -			
1st „ „ South Lancashire Regiment - - -			
2nd „ „ Royal West Surrey Regiment.	To purchase freehold of drill hall -	1,500	
Queen's Rifle Volunteer Brigade (Royal Scots)	To purchase site of drill hall - -	9,500	

In addition to the above, applications for loans for various purposes have been received from 16 corps. Of these, six have been definitely refused, as either not covered by the Military Lands Act, or not such as the Secretary of State could approve. The remainder have either been dropped, or still form the subject of correspondence.

I N D E X.

N.B.—In this Index the Figures following the Names of the Witnesses, and those in the Analysis of Evidence of each Witness, refer to the Questions in the Evidence; the Figures following *App.* refer to the Pages in the Appendix; and the Numerals following *Rep.* to the Pages in the Report and Proceedings of the Committee.]

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